

Basic Course Workbook Series Student Materials

Learning Domain 1

Leadership, Professionalism, and Ethics

Version 5.1

**Basic Course Workbook Series
Student Materials
Learning Domain 1
Leadership, Professionalism, and Ethics
Version 5.1**

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THE ACADEMY TRAINING MISSION

The primary mission of basic training is to prepare students mentally, morally, and physically to advance into a field training program, assume the responsibilities, and execute the duties of a peace officer in society.

FOREWORD

The California Commission on Peace Officer Standards and Training sincerely appreciates the efforts of the many curriculum consultants, academy instructors, directors and coordinators who contributed to the development of this workbook. The Commission extends its thanks to California law enforcement agency executives who offered personnel to participate in the development of these training materials.

This student workbook is part of the POST Basic Course Training System. The workbook component of this system provides a self-study document for every learning domain in the Basic Course. Each workbook is intended to be a supplement to, not a substitute for, classroom instruction. The objective of the system is to improve academy student learning and information retention.

The content of each workbook is organized into sequenced learning modules to meet requirements as prescribed both by California law and the POST Training and Testing Specifications for the Basic Course.

It is our hope that the collective wisdom and experience of all who contributed to this workbook will help you, the student, to successfully complete the Basic Course and to enjoy a safe and rewarding career as a peace officer serving the communities of California.

A handwritten signature in black ink, appearing to read 'Paul Cappitelli', with a stylized flourish at the end.

PAUL CAPPITELLI
Executive Director

LD 1: Leadership, Professionalism, and Ethics

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Preface

Introduction

Student workbooks

The student workbooks are part of the POST Basic Course Instructional System. This system is designed to provide students with a self-study document to be used in preparation for classroom training.

Regular Basic Course training requirement

Completion of the Regular Basic Course is required, prior to exercising peace officer powers, as recognized in the California Penal Code and where the POST-required standard is the POST Regular Basic Course.

Student workbook elements

The following elements are included in each workbook:

- chapter contents, including a synopsis of key points,
 - supplementary material, and
 - a glossary of terms used in this workbook.
-

How to Use the Student Workbook

Introduction

This workbook provides an introduction to the training requirements for this Learning Domain. It is intended to be used in several ways: for initial learning prior to classroom attendance, for test preparation, and for remedial training.

Workbook format

To use the workbook most effectively, follow the steps listed below.

Step	Action
1	Begin by reading the: Preface and How to Use the Workbook, which provide an overview of how the workbook fits into the POST Instructional System and how it should be used.
2	Refer to the Chapter Synopsis section at the end of each chapter to review the key points that support the chapter objectives.
3	Read the text.
4	Complete the Workbook Learning Activities at the end of each chapter. These activities reinforce the material taught in the chapter.
5	Refer to the Glossary section for a definition of important terms. The terms appear throughout the text and are bolded and underlined the first time they appear (e.g., <u>term</u>).

Chapter 1

Leadership in Policing

Overview

Learning need Peace officers are expected to be leaders in the community, in their agencies, and among peers. To be effective, officers must understand the components of leadership, their responsibility to lead, and the impact of their leadership.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to...	E.O. Code
• discuss why leadership is important	1.01.EO8
• define leadership	1.01.EO9
• discuss universal components of leadership	1.01.EO10
• discuss the officer as a leader	1.01.EO11
• discuss the leader as a follower	1.01.EO12
• discuss how leadership impacts the daily work of a peace officer and how officers can recognize the results	1.01.EO13

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Overview, Continued

In this chapter This chapter focuses on professional law enforcement. Refer to the chart below for specific topics.

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Leadership

[1.01.EO8, 1.01.EO9]

Introduction

As a peace officer in the academy you have already displayed an interest in leadership. POST and your agency recognize that leadership must be practiced at the line-level, supervisory, and management level. Your ability to exercise leadership as a line officer will have a significant impact on you, your agency, the community and the profession.

Definition

Leadership is the practice of influencing people, while using ethical values and goals, to produce an intended change.

Every officer is a leader

Every officer has a responsibility to practice leadership. Leadership is essential for effective problem solving because it engages the cooperation of the community.

The exercise of leadership by an officer results in increased respect, confidence and influence. The result will be personal and professional success, increased public trust and personal growth. Leadership, to some degree, is required to handle every contact with the community.

Leadership has no rank. Every officer is a leader, responsible to use the authority and opportunities of the policing role in a manner that is both effective and ethical.

No member of a policing agency has more direct contact with the community than the line-level officer. These contacts – regardless of their nature – will almost always require the responding officer to demonstrate leadership to effectively handle the contact.

Officers, in the exercise of leadership, put honor above all, consistently strive to live up to and manifest the core ethical values of trustworthiness, respect, responsibility, fairness, caring and good citizenship.

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Leadership, Continued

Leadership competencies

Effective leaders possess and continually develop certain desired core competencies/skills and traits.

Core competency and Trait	Comments
Knowledge	There is no substitute for job knowledge or technical competence. Effective use of individual skills is the foundation for what we do and what we can accomplish.
Courage	This includes both physical and moral courage. Fortitude to try new ideas. Confront adversity, act assertively. Stand and do the right thing.
Communication	To be effective, we need to clearly send and receive messages with the community and each other. Creates understanding.
Professionalism	Professionalism includes positive attitudes, reliable performance, empathy for the community and co-workers, consistency and clarity of purpose.
Personal character	Behave with honor, integrity, honesty, respect, fairness and tolerance. Leadership requires flexibility and commitment.
Decision making/Problem solving	Requires the ability to analyze information and use resources to make responsible decisions. Working and facilitating with others to develop creative, innovative solutions to problems (i.e., crime and disorder). Vision of intended outcome.
Responsibility	Accountability, duty to act, and the exercise of self-control.

Universal Components of Leadership

[01.01.EO10]

Introduction

Peace officers can learn to exercise leadership through preparation, knowledge of the leadership role, a desire to lead and a commitment to effective job performance.

Authority and power

For peace officers to be effective leaders, they must use their **authority** and **power** appropriately. There is a difference between authority and power. Officers are granted authority, yet they must develop power. Peace officers must understand the nature and limits of both.

Power

Individuals with power have the capacity to influence and inspire others. People will often commit to certain individuals who have little authority. Individuals with power possess drive, expertise, and genuine caring for others.

Example: One of several officers at a crime scene gives direction to responding officers. Those responding comply with the officer's direction because they trust the officer's skills and abilities, not because the officer has the authority of rank.

Example: A newly assigned supervisor is given a complex assignment in an area in which he does not have expertise. The supervisor calls upon an officer whom he knows is well-respected and trusted by others to develop an operational plan.

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Universal Components of Leadership, Continued

Power (continued)

Example: Mahatma Gandhi never ran for, nor was he elected to a public office. Yet he was the primary leader of India during a peaceful revolution and helped India win its independence from the United Kingdom. He was a role model for many contemporary leaders, including Dr. Martin Luther King.

NOTE: Power comes from who you are; authority comes from what your role is.

Informal leadership power

Throughout your life you have already experienced being an active follower for an informal leader, perhaps in a sporting activity, during scouting, youth or religious group project or even just “hanging out” with a group. At different times and different events you have changed from an active follower to informal leader.

Your career as a peace officer will provide countless opportunities to continue to exercise your leadership skills. The role of a peace officer requires you to be a proficient leader. The public expects you to lead, to be innovative and address problems that contribute to crime and disorder.

Authority

Peace officers have authority by law. They are granted the ability to compel behavior, enforce laws, and direct resources, based solely on their legal status. Authority is granted and limited by legislative statute, and appointing authority or agency. In many cases, authority alone is insufficient to accomplish what needs to be done, or to achieve an appropriate solution to the problem at hand.

Continued on next page

Universal Components of Leadership, Continued

Authority (continued)

The following chart describes the characteristics of both authority and power. The chart indicates the relationship and differences between authority and power:

Characteristics	Authority	Power
How granted	from above	all directions
Direction	top-down	<ul style="list-style-type: none">• reciprocal flow• all directions
Source	legal	trust
Intent	maintain control	influence change
Limitations	limited	unlimited
Discipline	imposed	self-discipline
Accomplishments	status quo	change
Risk-taking	avoidance	yes (calculated)
Who uses	everyone to whom conferred	leaders

Continued on next page

Universal Components of Leadership, Continued

Compliance vs. commitment

Compliance is acceptance of a person's authority. It yields an outward change in behavior without necessarily altering one's attitude. Compliance often means minimal acceptance and adherence to policy and direction. Compliance can occur without any internal commitment to the agency's values. It also infers a "stay out of trouble" approach. It is a response to authority to avoid a consequence.

Example: Suspect complies with a peace officer's lawful order to submit to arrest and custody.

Commitment is an outward manifestation of an internal willingness to embrace leadership values (i.e. integrity of self) and agency goals (i.e. provide high quality service). It does not imply an attempt to avoid a consequence, but rather a positive reinforcement of what is right.

One of the most prominent outward signs of commitment to the job is a willingness to exceed expectations. When you stand in line at the local hardware store, you can instinctively feel the difference between a clerk who is merely complying with their job requirements and one who is interested and engaged in what they are doing. When you have a problem with a service or product, think about times when you've encountered someone who is only "following the rules" versus a representative of that business who wants to help you solve the problem at hand.

Continued on next page

Universal Components of Leadership, Continued

**Compliance
vs.
commitment
(continued)**

In policing, members of our communities can also clearly see the difference between a peace officer complying with job rules versus one who is actively seeking ways to improve the quality of life in their beat or through their contacts with those in need. Commitment to the job is a foundation of problem solving. Also, others will be influenced by your efforts to lead them to proper courses of action. Commitment is also the cornerstone of officer safety. Those who are committed to doing their best will devote the time and effort necessary to stay in shape, learn new things, and enhance their situational awareness while on the job. Being committed to the profession, working to improve your skills and recognizing your potential to positively impact the lives of those who rely on you for their safety, forms the basis of your development as a leader.

**The leadership
relationship**

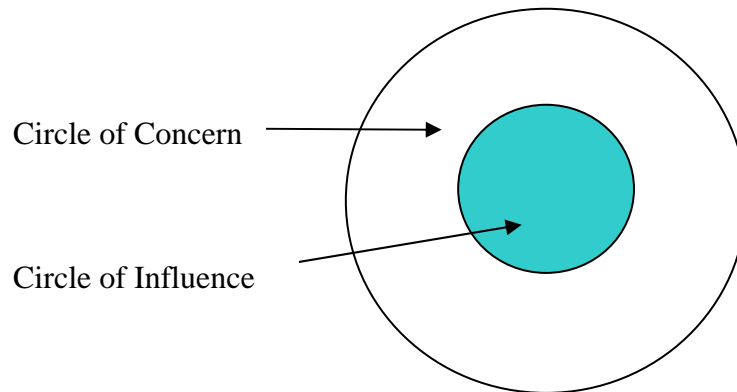
Leadership is a relationship; something you do with other people. It is a skillful activity that can be learned through observable behaviors, modeling and practical experience. Understanding how leadership relationships affect you and others is essential to making leadership effective.

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Universal Components of Leadership, Continued

Circle of influence

As members of the human race we are concerned about many things (e.g., starving children in other countries). As peace officers, we have influence over fewer circumstances (i.e. arresting a drunk driver). The more we concentrate on issues which we have some influence to change, the greater our impact on our circle of concern will be.



As shown in the above chart, influence expands as it is used appropriately; it is not finite. A peace officer's ability to influence others in an agency and a community, is directly related to the power granted the officer by virtue of the officer's leadership competencies.

(Adapted from "7 Habits of Highly Effective People," Covey, Stephen, 1989)

Continued on next page

Universal Components of Leadership, Continued

Life balance



An effective leader understands and follows the principle of balance. Peace officers are challenged to establish and maintain a sense of balance. The stress of the law enforcement profession challenges you to understand the competing elements of life such as family, community, work (including, peers and supervisors) and personal development. How well you balance these competing interests will often determine your ability to make sound decisions (i.e., your self-assessment and emotional intelligence).

Example: A lack of balance in your life may affect other aspects of your life. For example, working excessive overtime will bring you additional money, but it may adversely affect other important aspects of your life.

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Universal Components of Leadership, Continued

Leadership learning

Peace officers are engaged in a dynamic, complex profession. The demands on public safety require constant awareness of changes in such things as laws, attitudes, society, and technology. To be effective, peace officers need to recognize that leadership demands a commitment to constant improvement. Be a lifetime student of leadership. “Know what you don’t know.”

“Leadership and learning are indispensable to each other.”

John F. Kennedy (35th U.S. President)

“...Effective leaders create a climate where people’s worth is determined by their willingness to learn new skills and grab new responsibilities, thus, perpetually reinventing their jobs. Leaders honor their core values but are flexible in how they execute them.”

General Colin Powell (Ret)

Continued on next page

Universal Components of Leadership, Continued

Formal

During your career you will be presented with many educational opportunities. It is your obligation to the profession to take advantage of both formal and informal educational and training opportunities.

Formal Educational Training	
Agency	<ul style="list-style-type: none">• Field Training Program• Continuing Professional Training• Roll-call training• New position or assignment
Colleges	<ul style="list-style-type: none">• Degrees<ul style="list-style-type: none">- Associate of Arts- Bachelor of Science- Masters- Ph.D.• In service courses• Enrichment courses• Promotional preparation courses
Community	<ul style="list-style-type: none">• Communications• Cultural awareness• Faith-based programs• Resource identification and application

Continued on next page

Universal Components of Leadership, Continued

Informal

Informal Educational Training	
Reading	<ul style="list-style-type: none"> • Penal Code, Vehicle Code, etc. • biographies of admired leaders • community cultural history • technical material on policing tactics • publications, books, etc. for enjoyment
Experiences	<ul style="list-style-type: none"> • learn from your mistakes • ask others for input • attempt to understand “why” things happen • take prudent risks
Studying	<ul style="list-style-type: none"> • be a continuous learner to upgrade your skills • if you are acceptable, become good. If you are good, become an expert • examine available data from a variety of sources
Community Involvement	<ul style="list-style-type: none"> • if you are willing to protect a community or any of its members with your life, why not be involved • change a community by one contact at a time • your gift of time will be returned at unexpected moments

Officer as Leader

[1.01.EO11]

Introduction

Circumstances and situations require every officer to step forward as a leader. Prepare yourself every day to lead - you never know when the opportunity to exercise leadership will arise.

“Before everything else, getting ready is the secret to success.”

Henry Ford

Peer leadership

Peer behaviors are a strong influence on peace officers. It is incumbent on every peace officer to recognize that he or she has the opportunity to influence peers by modeling positive behaviors, taking charge, and sharing information if and when appropriate.

Modeling

Positive modeling behaviors include:

- Maintaining ethical standards
- Exhibiting technical competence
- Practicing officer safety
- Paying attention to duties
- Maintaining professional appearance (first impressions)
- Demonstrating respect for the community
- Taking opportunities to improve the agency and profession
- Pursuing self development

People pay more attention to what you do than what you say.

Officers make hundreds of “first impressions” each shift. Your personal grooming, demeanor, language, cleanliness, equipment and expression will create a “first impression” before you say a single word. Lead by example.

“Walk your Talk”

Ken Blanchard (Author)

Continued on next page

Officer as Leader, Continued

Taking charge

There may not always be someone around to tell you and fellow officers when and how to respond. You have been entrusted by the community and your agency to exercise discretion and take action that is safe, effective and ethical.

When circumstances dictate, peace officers must be prepared to take a leadership role. One of the most common ways officers lead is by initiating a course of action in the absence of supervision.

Intervening

As a leader, a peace officer must have the courage to address unacceptable or unethical behavior and is obligated to intervene if such action is exhibited by another officer.

NOTE: Refer to the subsequent chapter for additional content on intervening.

Sharing knowledge and experiences

Sharing information about tactics, work practices and other issues is another way in which officers exhibit leadership and exert influence among their peers.

NOTE: Your academy experience is a leadership laboratory. The more you practice leadership in the academy, at home and in your community, the more proficient you will become.

Expecting change

In the policing profession, history has shown that people and organizations change (i.e., professionalization, technological). In fact, change is the only constant.

Sharing information about new tactics, criminal behaviors, and work practices is essential for the well being of the profession and safety of fellow officers.

Continued on next page

Officer as Leader, Continued

Expecting change (continued)

The police profession is part of our society and our larger system of justice. While change has not always been dramatic or sensational, the law enforcement profession has experienced many changes and will likely continue to do so. Expect change, adapt, and embrace the challenge.

Leadership in the community

A peace officer's leadership begins with his or her realization that officers are an integral part of the community. As highly visible and specially trained members of the community, peace officers are looked upon as leaders. Some ways peace officers demonstrate leadership in the community are:

- being accessible and proactive
- being responsive to community issues and concerns
- being empathetic to the community's specific needs
- sharing information and expertise
- facilitating problem solving
- being accountable
- serving as an example of a good citizen, both on- and off-duty
- recognizing problems or potential problems and taking action to prevent or resolve them
- influencing the community to face its problems

In addition to service while on duty, there are other ways in which officers fulfill leadership roles in the community (e.g., school boards, fire boards, coaching, service clubs, volunteer service, and elected positions).

Continued on next page

Officer as Leader, Continued

Community Policing

When peace officers and community members share a common sense of values, communicate openly and regularly, and when they have a common regard for each other, the result will be trust. Trust is the critical link in the community/policing partnership.

Officers who exercise ethical leadership will learn to be effective problem solvers, better skilled to mobilize communities to address issues of crime and disorder, and proactive in developing crime prevention strategies.

NOTE: Refer to LD 3: *Policing in the Community* for additional information on Community Policing.

Leadership within the profession

What you do affects peace officers everywhere. While you may work for just one agency, the public often identifies all officers or deputies as one. There are no jurisdictional borders on the impact of your behavior.

Example: No matter where you were in the United States at the time of the Rodney King incident you could view the occurrence over and over again on public television. How many times have you seen New York City peace officers covered in ashes from the World Trade Center? How might the inappropriate use of a flashlight affect the entire profession?

Continued on next page

Officer as Leader, Continued

Leadership within the profession (continued)

Enhancing communication and mutual respect between officers and their agencies is extremely important. It is each peace officer's responsibility to:

- Maintain lines of communication with:
 - peers
 - supervisors
 - executives

- Develop professional relationships with allied public safety agencies

- Share emerging tactics or information by providing:
 - training bulletins
 - professional articles
 - training courses

Each peace officer may consider participation in organizations and associations that promote law enforcement professionalism. Examples of professional organizations are:

- California Peace Officers Association (CPOA)
- California Narcotics Officers Association (CNOA)
- National Association of Field Training Officers (NAFTO)
- International Association of Chiefs of Police (IACP)
- Peace Officers Research Association of California (PORAC)

Continued on next page

Leader as Follower

[1.01.EO12]

Introduction

“Follower” is not a term of weakness but the condition that permits leadership to exist and give it strength.

Exercising leadership

The day-to-day operation of an agency depends upon officers exercising leadership in the discharge of their duties. Agencies also expect officers to be followers to the best of their ability.

Courage to:	“Courageous Follower” is obligated to ...
assume responsibility	<ul style="list-style-type: none">• Make yourself and the organization better• maximize your value to the organization
serve with loyalty	<ul style="list-style-type: none">• follow the lawful and ethical orders of the organization regardless of your personal opinion• support your leaders and the tough decisions they must make
challenge	<ul style="list-style-type: none">• speak out when you feel the behaviors or policies of the leader or group conflict with ethical standards• provide alternatives to behaviors or policies within the organization that are not consistent with the stated values of the organization and profession

Continued on next page

Leader as Follower, Continued

Exercising leadership (continued)

Courage to:	“Courageous Follower” is obligated to ...
participate in transformation	<ul style="list-style-type: none">• recognize that the career of law enforcement is a continuously changing process• recognize that change depends on the support of every officer• examine your own need for change
leave	<ul style="list-style-type: none">• leave the profession if you believe you cannot live up to the standards of the profession• after attempting positive change, leave the organization if the values of the organization are not consistent with the values of the profession

(Adapted from Chaleff, Ira, 1995, “The Courageous Follower”)

Separation of ego from power and authority

Following others is part of being a supportive team member. Your position is not diminished or lessened by putting personal needs secondary to the needs of others, the community or the organization.

- along with your legal authority and power to influence people, humility is required in order to lead effectively.
 - recognizing other people’s expertise within the community and the organization that may enhance your ability to lead.
 - you have an opportunity to develop as a leader by assuming a supportive position.
-

Continued on next page

Leader as Follower, Continued

**Separation
of ego from
power and
authority**
(continued)

NOTE: Ira Chaleff wrote in his book, “The Courageous Follower,” “...in the dance of leaders and followers we change partners and roles throughout our lives. With each new partner we must subtly adjust our movements and avoid the other’s toes. If we are leading we must lead and if we are not we must follow, but always as a strong partner. We constantly learn from each other and improve our gracefulness in a wide diversity of styles and tempos.”

NOTE: Peace officers shall recognize that their allegiance is

- first to the U.S. Constitution,
 - then to the people,
 - then to their profession and
 - then to the agency that employs them.
-

Impact of Leadership

[1.01.EO13]

Introduction

The practice of leadership impacts the daily work of peace officers who can recognize the results by improved communication, problem solving and decision making.

Practicing leadership

Positive leadership	Absence of leadership
respect of quality	fear, disdain
trust	suspicion
cooperation	“us” against “them”
reduced fear of crime	reduced community input
community leader support	isolation
increased fiscal support	withholding needed resources
increased officer safety	decreased compliance

Positive leadership enhances community respect and trust. Officers gain confidence in their exercise of discretion and effective job performance to enforce the law, focus on crime prevention, adapt to change and provide service to the community on matters of crime and disorder.

“Talent of success is nothing more than doing what you can do well, and doing well whatever you do.”

Henry Wadsworth Longfellow

Continued on next page

Chapter Synopsis

Learning need Peace officers are expected to be leaders in the community, in their agencies, and among peers. To be effective, officers must understand the components of leadership, their responsibility to lead, and the impact of their leadership.

Leadership is important [1.01.EO8] Every officer has a responsibility to practice leadership. Leadership is essential to effective problem solving because it engages the cooperation of the community.

Definition of leadership [1.01.EO9] The practice of influencing people while using ethical values and goals to produce an intended change.

Universal components of leadership [1.01.EO10] Peace officers can learn to exercise leadership through preparation, knowledge of the leadership role, a desire to lead and a commitment to effective job performance.

Officer as a leader [1.01.EO11] Peer behaviors are a strong influence on peace officers. It is incumbent on every peace officer to recognize that he or she has the opportunity to influence peers by modeling positive behaviors, taking charge, and sharing information if and when appropriate.

Leader as follower [1.01.EO12] The condition that permits leadership to exist and give it strength. The day to day operation of an agency depends upon officers exercising leadership in the discharge of their duties.

Impacts of leadership on a peace officer's daily work [1.01.EO13] Improved communication, problem solving and decision making. Positive leadership increases officer safety, community respect and trust.

Workbook Learning Activities

Introduction

To help you review and apply the material covered in this chapter, a selection of learning activities has been included. No answers are provided. However, by referring to the appropriate text, you should be able to prepare a response.

Activity questions

1. Describe four (4) instances when you have taken a followers position. Why did you do it? As an officer how do you balance loyalty to your agency and constructive criticism?

2. Identify nationally or internationally known leaders. Describe the competencies or traits that make them effective. Identify someone in your personal life you consider a leader. Why?

3. You and your partner respond to a complaint of a disturbance. How can your authority and power as a peace officer demonstrate leadership at the scene?

Continued on next page

Workbook Corrections

Suggested corrections to this workbook can be made by going to the POST website at: www.post.ca.gov

Continued on next page

Workbook Corrections, Continued

Student notes

Chapter 2

Professionalism and Ethics in Policing

Overview

Learning need Peace officers are empowered and entrusted by the community with a broad range of power, authority and discretion to maintain safety and order. Professional and ethical standards are the means by which peace officers maintain the public trust. To be effective, a peace officer, must make a life-long commitment to these standards.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to...	E.O. Code
<ul style="list-style-type: none">• discuss the relationship between public trust and a peace officer's ability to perform their job	1.02.EO8
<ul style="list-style-type: none">• discuss the community, agency, and other peace officers' expectations of a peace officer's conduct	1.02.EO9
<ul style="list-style-type: none">• explain the benefits of professional and ethical behavior to the community, agency, and peace officer	1.02.EO10
<ul style="list-style-type: none">• describe the consequences of unprofessional/unethical conduct to the community, agency, and peace officer	1.02.EO11
<ul style="list-style-type: none">• discuss the <i>Law Enforcement Code of Ethics</i> and explain the importance of adhering to the <i>Law Enforcement Code of Ethics</i>	1.02.EO12

Continued on next page

Overview, Continued

Learning objectives
(continued)

After completing study of this chapter, the student will be able to...	E.O. Code
explain why an officer should respond to a coworker's unprofessional or unethical conduct, including the legal basis for such interventions	1.02.EO13
discuss situations when it is necessary to intervene on another peace officer's behalf, and factors that can inhibit intervention	1.02.EO14
describe the types and levels of intervention used to prevent another peace officer's inappropriate behavior	1.02.EO15
give examples of ethical decision making strategies	1.02.EO16
explain the value of ethical decision making in leadership	1.02.EO17

Continued on next page

Overview, Continued

In this chapter This chapter focuses on professionalism in law enforcement. Refer to the chart below for specific topics.

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Professionalism, Public Trust, and Ethics

[1.02.E08]

Introduction

The Code of Ethics of any profession details the standard of conduct that identifies specific principles of desired behavior required of its practitioners. The profession of policing requires its members to adhere to specific standards in order to maintain the trust and respect of those who are served. Adherence to a code of ethics is required to build and maintain morale, a sense of duty, effective standards of performance and community support.

Peace officers are held to higher standards than others in the community. Although policing shares ideals with other professions, only peace officers are given the authority and power to detain and arrest others and to deprive them of their liberty while awaiting adjudication of their offense. It is essential that officers understand the importance of professional behavior.

Police profession

Policing as a profession requires both specialized training and ethical behavior on the part of individual officers, on-duty and off-duty.

Some would term “law enforcement” a profession although enforcing the law is only a portion of what a peace officer does in his or her daily duties. The use of knowledge, professionalism and leadership, to resolve conflict and influence the best outcome to a circumstance encompasses the spirit of policing every peace officer must seek to embrace.

Professions are recognized by certain characteristics, such as:

- a shared sense of purpose
 - a common body of knowledge
 - standardized training
 - being vital to the well being of society
 - a system of certification or licensing
 - a code of ethical conduct
-

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Professionalism, Public Trust, and Ethics, Continued

Public trust

Public trust is the foundation of peace officers' authority and power by virtue of a social contract with government. This contract spells out the obligation that officers will perform their duties ethically and competently.

Public trust is the expectation that the authority and power entrusted to a peace officer will not be abused. The public must be confident that peace officers will perform their duties in respect of that trust.

Voluntary submission to authority is a function of public trust. The public's confidence and support for officers will be gravely undermined by an officer's unethical conduct.

Factors Impacting Public Trust
<ul style="list-style-type: none">• Previous experiences with law enforcement• Develop or enhance police/community partnerships• General public apathy and prevailing attitudes• Impact of the family structure• Social and/or economic conditions• Situations that promote high levels of fear or a sense of collective victimization• Media treatment of law enforcement events

Values

Each of us possesses **personal values** shaped by our upbringing, events occurring in our lives and the influence of others. Parents, teachers and friends have played a central role in developing our understanding of who we are and how the world around us affects our future.

It is important to remember that the values of one person or group may differ widely from another person or group. Both may perceive their beliefs or conduct as "right" based on their value system.

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Professionalism, Public Trust, and Ethics, Continued

Ethics

Ethics is the accepted **principles** of conduct governing decisions and actions based on **professional values** and expectations. Ethics play a dominant role in an officers daily conduct and personal choices.

Golden rule

A core ethical concept found in all enduring cultures is that of reciprocity. Our actions should be aligned with not only what is good for us, but what benefits others. This is found most prominently in what the American experience terms “The Golden Rule.” It states:

“Do unto others as you would have others do unto you.”

The Golden Rule establishes an essential spirit of ethical conduct. The key to the Golden Rule frames your considered action with a responsibility for the well-being of others. As ethical people, peace officers should:

- put themselves in the position of others,
 - recognize how their actions affect others,
 - seek to help when possible,
 - refrain from causing avoidable harm, and
 - intervene to prevent unethical behavior by peers.
-

Ethical standards

Ethical standards are the criteria for professional conduct. They are established to articulate expectations of the profession regarding the actions of its members and to espouse the core principles of effective and ethical behavior upon which decisions are made.

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Professionalism, Public Trust, and Ethics, Continued

Principles

Principles have evolved as universal standards of societal conduct that supercede personal convictions and beliefs about right and wrong. These enduring concepts, such as trustworthiness, respect, responsibility, fairness, caring and sense of civic duty, are ethical standards people rely on for guidance in decision making. It is important to recognize principles will be affected by your beliefs which have been shaped by:

- personal convictions,
 - religious beliefs,
 - cultural roots,
 - family background,
 - peers (either negatively or positively),
 - department/agency and community expectations, and
 - published and printed material related to professional conduct (e.g., the *Law Enforcement Code of Ethics* or the *Code of Conduct*).
-

Importance of ethical conduct

To embody the spirit of professionalism, ethical conduct must be a way of life for those in policing. To maintain the community's trust, peace officers must maintain consistently high standards of ethical conduct. Officers must model and live as examples of the behavior they are charged to enforce.

The policing community is only as strong as its weakest link. Unethical conduct affects the image and morale of the entire profession and offends officers and society throughout the country.

“We must create an atmosphere in which the dishonest officer fears the honest one, and not the other way around.”

Detective Frank Serpico,
Testifying before the Knapp Commission,
December 1971

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Professionalism, Public Trust, and Ethics, Continued

Career survival

Despite the inherent dangers of the job, many officers who end their careers prematurely do so as a result of making poor ethical decisions.

Peace officers should be ethical and seek to do right because it enhances who they are and develops character in a manner others will see as worthy of respecting and following. Officers don't do right because they fear punishment if they act otherwise. Officers do right because they are acting in a manner that conforms to what they believe; officers actions conform with who they are.

You may not think ethics applies to you now. The issue of ethical choices is applicable both as an entry-level officer and a fact of life. You will inevitably face situations that require sound ethical decisions in tough and sometimes confusing environments.

Only by preparing ahead of time, knowing who you are and what you believe, and thinking about how best to make good choices, will you be ready for the time when your actions will shape the future for you and those around you.

Expectations of Peace Officer Conduct

[1.02.EO9]

Introduction

Peace officers are the part of the criminal justice system that deals most directly with the public. Officers, their agencies and the communities they serve have certain expectations of performance of their assigned duties.

Community expectations

The community expects that peace officers will serve the public interest and conduct themselves in an ethical manner.

In addition, the community expects officers to:

- keep the community safe and secure,
 - respond promptly to calls for service,
 - demonstrate professional behavior,
 - protect human rights,
 - address crime and disorder, and
 - solve problems in a fair and impartial manner
-

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Expectations of Peace Officer Conduct, Continued

Community expectations (continued)

Regardless of what segment of the community [suspect, victim, witness] peace officers encounter, there are minimum standards of professional conduct. Each of these groups have differing expectations, explained in the following chart:

Community Member	Expectation	Factors Influencing Expectation
Suspects or Persons of Interest	<ul style="list-style-type: none"> • Basic respect • Preservation of their dignity by the peace officer • Uphold their Constitutional rights and adhere to other statutes of law 	Attitudes have been shaped by: <ul style="list-style-type: none"> • prior experience, • previous criminal history, • previous contacts with the criminal justice system, • treatment by officers, • the attitudes of peers, and • previous victimization
Victims	<ul style="list-style-type: none"> • Emotional support and empathy for their situation • A restored feeling of safety • Time to explain details and concerns fully and equipped to handle the situation appropriately • Feeling of satisfaction on completion of the contact 	Affected emotionally by <ul style="list-style-type: none"> • fear, • embarrassment, • the nature of the incident • anger • a desire to gain retribution for their grievance

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Expectations of Peace Officer Conduct, Continued

Community expectations (continued)

Community Member	Expectation	Factors Influencing Expectation
Witnesses	<ul style="list-style-type: none"> • Provisions for their safety • Information provided has value • Accurately report the known facts • Take appropriate action 	<ul style="list-style-type: none"> • Unwillingness to be involved based upon their fears or apathy • Prior experience personal filters leading to differing ability to relate information

Agency expectations

The peace officer's agency expects:

- conformance with the law,
- compliance with **organizational values**, policies, procedures, goals, objectives, and mission statements,
- ethical and professional behavior consistent with the *Law Enforcement Code of Ethics* and the *Code of Professional Conduct and Responsibilities for Peace Officers*,
- community satisfaction with the quality of service,
- conduct that minimizes civil liability, and
- collaboration with the community to address crime and disorder.

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Expectations of Peace Officer Conduct, Continued

Officer's peer expectation

Within the employing agency, an officer's peers expect:

- technical competence,
 - support, and
 - integrity.
-

Expectations of peace officers

To effectively carry out their assigned duties and fulfill community expectations, peace officers have expectations, including:

- appropriate training,
- adequate resources,
- agency support
- fair and ethical treatment, and
- respect and cooperation of the public.

The wearing of the peace officer's badge creates certain expectations on the part of officers and the individuals they contact.

The badge is given to you as a peace officer because it is important. The badge symbolizes your authority and your commitment to the profession.

The badge is a symbol of public trust. The character of the person behind the badge is more important than the authority the badge represents.

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Expectations of Peace Officer Conduct, Continued

**Community,
agency,
officers
expectations**

The community, your agency, and fellow officers all share the following expectation from you as a policing professional:

Technically competent	Possess the necessary knowledge, skills and abilities to effectively deliver service. Be a problem-solver and exercise leadership with the community. Throughout your career you will be expected to enhance and refine your job knowledge, skills and abilities.
Empathetic	Display a caring and empathetic demeanor when you provide service. Project sincerity. Do not prejudge a person's situation and serve his or her needs impartially and effectively.
Respectful	Approach every incident with an awareness and concern for individual rights and dignity as human beings. Maintain your composure and do not let personal feelings or biases interfere in the performance of your duties.
Ethical	Support the Code of Ethics of your profession. Use the code to guide you throughout your career. Demonstrate integrity. Discharge your duties with the awareness that you represent the trust the community must have in their government and its official representatives.

Report Writing Tip

Ethical decisions

Picture the following behaviors:

- By using the “cut and paste” [computer] method, some officers discover they can save time by documenting the same field sobriety test results in every “driving under the influence” report they write, thus striving for efficiency and not fact.
 - Rather than report precisely what occurred in a “use of force” report, officers align their stories to agree with each other which alter some of the facts.
 - An officer decides to “help out” a burglary victim by intentionally increasing the actual value of items stolen so the victim can claim additional money from the insurance company.
-

Ethical questions

Thinking questions:

- Do these behaviors advance the purpose of report writing? Why or why not?
 - How do these behaviors affect an agency’s reputation, credibility and relationship with the community?
 - What is a peace officer’s responsibility to the profession and community when writing reports?
-

Effective report writing

In the settings described above, officers did not seem to appreciate or respect the ethical obligations of report writing. They did not exhibit an appreciation for the fact that every written word is a permanent record of an event. When used ethically and effectively, the purpose of a police report is to allow the criminal justice system to ensure due process and fundamental fairness without prejudice or favor. These officers do not understand that reports establish, anchor, and define their personal credibility (and reputation) as well as that of their agency. More importantly, they compromised public trust by failing to accomplish the mission of documenting an accurate account of the incident.

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Report Writing Tip, Continued

Minimum requirements when writing a report

When writing a report, the minimum requirements to accomplish your job ethically and preserve the integrity of the criminal justice system are:

- Never falsify any portion of your report or modify any aspect of the report away from the factual truth.
 - Objectively document every fact (or piece of evidence) known to you that could prove or disprove the event you are reporting. If you are not sure, include the fact or piece of evidence anyway and qualify it as possible evidence or investigative information.
 - Be clear. A well-written report does not raise questions, it answers them.
 - Write your report free of speculation or personal opinions. You are there to gather facts.
-

The link

You are responsible for the quality of each report you write. Each report is an opportunity to build or destroy your credibility. Always write precisely what happened to the best of your knowledge. A report determined by a court to be compromised or unethical not only topples your credibility, but your agency's as well - plus it opens the door to challenge every past enforcement action you have performed. Compromising your report is just not worth it and it will raise questions about your effectiveness as a peace officer and may ultimately lead to termination of your employment. It is your obligation to report incidents just as they occurred; anything else is unethical.

Benefits of Professional and Ethical Behavior

[1.02.EO10]

Introduction

Professional conduct and ethical behavior benefits not only officers and their agencies, but also their community and society as a whole.

Benefits of ethical behavior

Some benefits of ethical behavior to the officer, their agency, and community are listed in the chart below:

Person Benefitted	How Benefitted
Officer	<ul style="list-style-type: none">• Self-esteem and personal worth• Personal and professional satisfaction in doing the right thing• Gaining respect and confidence of co-workers• Establishing a higher personal and professional reputation in the community
Agency	Professional and ethical conduct help the officer's agency by: <ul style="list-style-type: none">• improving morale• improving agency respect within the profession• reinforcing the standard of performance• improving agency reputation
Community	<ul style="list-style-type: none">• Receives equitable law enforcement• A sense of security and trust• Increases community partnerships• Fosters community mobilization

Consequences of Unethical/Unprofessional Conduct

[1.02.EO11]

Introduction

Unethical/unprofessional conduct or breaches in ethical conduct can occur in any profession. The negative effects of such behavior are particularly detrimental to the policing profession. Any indiscretion severely damages the credibility of peace officers and their agencies, and compromises public trust and support.

Consequences of unprofessional/unethical conduct

Unethical/unprofessional conduct directly affects the officer in addition to affecting the image and effectiveness of law enforcement in the community.

Consequences to the officer range from mild to severe and may include the following:

- disciplinary action up to and including termination.
- civil and/or criminal liability (personal and agency).
- embarrassment to stakeholders.
- eroding the image of the profession.
- reinforcement of negative stereotypes.
- reduction of effectiveness.
- diminishing public trust and cooperation.
- compromising officer safety.

An officer often suffers humiliation and low self-image as a result of unethical/unprofessional conduct.

Law Enforcement Code of Ethics/Conduct

[1.02.EO12]

Law enforcement code of ethics

The adoption of a uniform code of ethics was one of the most progressive steps achieved by law enforcement. The *Law Enforcement Code of Ethics* was adopted in 1956 by the National Conference of Police Associations, representing some 180,000 police officers, and the International Association of Chiefs of Police. Many agencies and local police associations have adopted the code.

The Commission on Peace Officers Standards and Training Commission (POST) requires that the *Law Enforcement Code of Ethics* be administered to every peace officer in the State of California (POST *Administrative Manual, Section 1013*).

Adherence

Any code is just words until translated into action. Officers give the *Law Enforcement Code of Ethics* life and meaning by following it in their everyday conduct.

Along with members of the law enforcement community at all levels, peace officers uphold the values, ethics, and principles of the profession. Officers are sworn to uphold the principles contained in the code. They also adhere to it as a matter of personal integrity. By adhering to the code, officers demonstrate to the community and to their peers that they are honorable and trustworthy.

Key elements

POST requires that all peace officers abide by the *Law Enforcement Code of Ethics*. Officers should become thoroughly familiar with the code and understand what they promise to uphold.

NOTE: The full text of the *Law Enforcement Code of Ethics* is included in the Supplementary Materials Section of this workbook.

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Law Enforcement Code of Ethics/Conduct, Continued

Code of conduct

California has supplemented the *Law Enforcement Code of Ethics* with a *Code of Professional Conduct and Responsibilities for Peace Officers (Code of Conduct)*. The *Code of Conduct* is designed to enhance the Law Enforcement Code of Ethics by defining specific standards of professional conduct.

The *Code of Conduct*, developed in 1979, is the collective product of the California Peace Officers Association and peace officer representatives throughout the state.

The *Code of Conduct* is comprised of canons and ethical standards.

Canons are general statements of the standards of professional conduct expected of peace officers. These standards apply to the peace officer's relations with the public, the criminal justice system, and the law enforcement profession. The canons are the general concepts from which ethical standards and disciplinary rules are derived.

NOTE: The full text of the *Law Enforcement Code of Conduct* is included in the Supplementary Materials Section of this workbook

Unprofessional Conduct and Intervention

[1.02.EO13, 1.02.EO14, 1.02.EO15]

Introduction

Peace officers have a legal and ethical obligation to uphold the law no matter who is breaking it. It does not matter whether the violator is considered an average citizen, a prominent community or corporate leader, or another peace officer.

Officer responsibility to respond

Minding your own business is never a valid excuse for remaining silent. If peace officers disregard unlawful or unethical acts by another officer, they can be as responsible as the offender and as unworthy of wearing the badge. Such officers are equally responsible for embarrassing their agency and the policing profession.

It is a peace officer's responsibility to intervene to stop offenses by other officers.

Intervention

Intervention is the act of attempting to prevent or attempting to stop the inappropriate or unlawful behavior of another.

Appropriate intervention allows peace officers to maintain or restore professional control over a given situation or improve the professional quality of future interactions.

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Unprofessional Conduct and Intervention, Continued

Intervention (continued)

An officer is guilty of having failed to intervene and prevent other officers from violating anyone's rights while having reason to know:

- unreasonable force was being used,
- a member of the public was unjustifiably arrested,
- any constitutional violation has been committed by any law enforcement officer,
- the officer had a reasonable opportunity to prevent harm from occurring (*Yang v. Hardin*, 7th Cir. 1994),
- inappropriate language is being used, or
- other unlawful, unethical or inappropriate behavior (e.g. theft), occurred.

NOTE: Refer to Penal Code Sections 147, 149, 661 and 673 and USC Title 18 Section 242 and Title 42 Section 1983.

Federal law regarding officer behavior

The *U.S. Constitution* provides protection for individuals against unlawful actions by peace officers. The *United States Code* also addresses an officer's unlawful action under color of authority. (*USC Title 18, Sections 242 (Criminal); U.S.C. Title 42, Section 1983 (Civil)*).

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Unprofessional Conduct and Intervention, Continued

State legal basis for intervention

A variety of state laws and criminal sanctions regulate the behavior of California peace officers. These codes are shown in the table below:

Description	Penal Code Section
Inhumane or oppressive treatment of prisoners, unreasonable use of force, or assaulting or beating anyone	147, 149 and 673
Neglecting official duty while holding a public office	661

NOTE: In addition to actions regulated by code, several court decisions have held that peace officers have a responsibility to intervene in certain circumstances.

Public expectations of intervention regarding force

The community expects peace officers to use only the amount of force that is reasonable. It also expects that officers will intervene to stop any unethical or unprofessional conduct by another peace officer. When officers intervene appropriately, their professionalism, personal and organizational credibility are enhanced.

NOTE: For additional information regarding the use of force, see LD 20: *Use of Force*.

Continued on next page

Unprofessional Conduct and Intervention, Continued

Factors inhibiting intervention

An officer may fail to take action when a fellow officer is behaving unprofessionally or inappropriately because of several factors. An officer may not intervene because he or she:

- is friends with the coworker or fellow officer involved,
- is inexperienced or unfamiliar with the proper action to remedy the situation,
- feels that intervention is someone else's responsibility,
- feels peer pressure,
- fears consequences, such as being ostracized,
- believes there will be no support from administration, senior officers, field training officers (FTOs) or supervisors (e.g., getting a bad evaluation), or
- is psychologically unprepared to intervene (e.g., erroneous notion of how police officers should behave, possibly due to influence of movies, and television).

Officers must come to terms with these issues in order to intervene effectively.

Continued on next page

Unprofessional Conduct and Intervention, Continued

Necessity for intervention

Peace officers benefit from appropriate intervention. Peace officers are *required* to attempt intervention, if necessary, for the following reasons:

- Personal integrity demands it.
- It preserves professionalism and supports the law enforcement mission.
- It strengthens public confidence in the law enforcement profession and the agency involved.
- It reduces personal and agency liability because it results in fewer:
 - physical injuries arising from unreasonable force,
 - disciplinary actions and personnel complaints,
 - criminal complaints filed against officers, and
 - civil liability suits, including fewer punitive financial judgments against individual officers.
- It enhances officer safety.
- It is ethically correct.

Types of intervention

A variety of strategies can be used to intervene with a coworker. Three types of intervention are:

- advance,
- immediate, and
- delayed.

Continued on next page

Unprofessional Conduct and Intervention, Continued

Advance intervention

Advance intervention means taking an action before an inappropriate action is committed. If peace officers communicate their law enforcement values clearly in everyday work, they may prevent a coworker's unprofessional conduct. An officer is less likely to behave inappropriately when the officer knows that coworkers won't tolerate unethical behavior. Coworkers can use the following methods of intervention:

- discussion of expectations
 - merely showing up at the scene
 - statement of expectations
 - command presence
-

Immediate intervention

In some situations, if a coworker or fellow officer behaves inappropriately, it may be necessary to intervene immediately, either verbally or physically. The following table describes the levels of immediate intervention:

Level of Intervention		Description
Verbal intervention		Verbally offering to take over or assist the situation or reminding fellow officer of appropriate behavior.
Physical intervention	Touching	Touching the officer on the shoulder or arm and offering a tactful reminder to calm down or to take over.
	Stepping in	Stepping between the offending officer and the other person (if this can be safely accomplished) and diffusing the situation with a calm statement such as "Let me talk to him."
	Restraining	Physical restraint of the officer may be necessary if the officer is using unreasonable physical force.

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Unprofessional Conduct and Intervention, Continued

Examples

- Example: An officer's partner has a daughter the same age as a girl who was molested. While arresting the child molestation suspect, the partner began to get agitated and angry. The officer recognized that his partner might become abusive and said, "Hey, partner, let me take care of this one, okay?" This is an example of verbal intervention.
- Example: An officer was engaged in a heated verbal confrontation with a subject, and the officer was starting to become increasingly agitated. Her partner touched the officer's arm in an attempt to calm her and offered to take over. This is an example of touching as an immediate intervention.
- Example: An officer used his baton to subdue a fleeing subject. After handcuffing the subject, the officer brought his baton above his head, getting ready to hit the subject again. The officer's partner grabbed his arm and prevented him from hitting the subject while talking to him and calming him down. This is an example of restraining a fellow officer.
-

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Unprofessional Conduct and Intervention, Continued

Delayed intervention

Sometimes it may be desirable to use an intervention strategy after an incident has occurred. Delayed intervention can be a valuable tool for improving the quality of an officer's *future* contacts. Some delayed intervention techniques are shown in the table below.

Delayed Intervention Techniques	Description
Discussion/admonishment	It can be beneficial to discuss the improprieties of unprofessional behavior. This may be an appropriate follow-up if a fellow officer was verbally condescending to someone. May inform a fellow officer that this type of behavior is not acceptable and may provoke a situation.
Referral/training	Referring to a supportive organization or a supportive third party within the agency. Suggest additional training to improve conduct.
Reporting	Factual documentation in a report; following the chain of command; urging self-reporting; directly reporting to a supervisor.

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Unprofessional Conduct and Intervention, Continued

Examples

Example: A male officer continually talks down to female officers, implying that they are only fit for office duties. In the locker room after one of these incidents, another officer explains to him that these comments reflect poorly on him and that other officers think less of him because of these remarks. This is an example of using discussion as delayed intervention.

Example: An officer uses vulgar or demeaning language in contacts with minorities. After observing this behavior when the officer brings in a subject for questioning, the officer's supervisor calls him into his office and reminds him that this type of behavior is not acceptable and this language is unprofessional and likely to provoke or escalate conflict. This is an example of admonishment.

Ethical Decision Making and Leadership

[1.02.EO16, 1.02.EO17]

Introduction

Ethics is not about what you *know*, it's about what you *do*. It is not enough to follow policy and procedure, or merely comply with the law when electing a course of action as a peace officer.

What is “best” is sometimes confusing when conflicting priorities, human emotions and the stress of policing can combine to tempt you to take the easy choice or take the first option that comes to mind.

Decisions made with an ethical dimension demand you make them by considering the perspectives of all involved and balance order in society with the liberty each of us enjoys.

Ethical decision making strategies

There are several strategies or models available as “tools” to facilitate peace officers in making the right ethical decision in a difficult and challenging law enforcement environment. In almost every model there are common steps incorporated as part of the strategic process. Officers should adopt, understand and use an effective decision making process to guide and assist them throughout their career.

The common steps are :

- Identify the issue(s), relevant facts and/or ethical question(s)
 - Determine the stakeholders - Who may be affected by a decision?
 - Consider your options, or courses of action - What could you do?
 - Decide which option is most appropriate - What should you do?
 - What are the consequences of your decision?
 - Implement the option and course of action.
 - Reassess and make new decision, if necessary.
-

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Ethical Decision Making and Leadership, Continued

Ethical decision making strategies (continued)

Peace officers must make decisions:

- based on the law and professional standards,
- using community values and needs that are not in conflict with the law,
- based on the needs of the individual, sound tactics and the long term impact of the situation.

Some suggested ways to implement decisions:

- Peace officers don't let emotions dictate actions. If possible, reflect on the situation. Do I act now or later?
- What is my intent? If I make this decision, what would be my ideal end result?
- Ask yourself: do I have all the facts? If not, what do I need to know and where do I get the information?
- What alternatives are available? Ask yourself if other approaches would yield better results based on your desired outcome.
- Who and what will this decision impact? Consider benefits and harm, tactics and safety issues. The decisions peace officers make have impacts on relationships, reputations and public opinion (perception).
- When you act, try to put yourself in another person's position. Who would approve or disapprove: Why would they? What would your Captain or an officer you highly respect do?
- Don't get stuck on the decision, if necessary. Monitor and assess. If you get better information, don't be afraid to make changes to your decision.

Continued on next page

Ethical Decision Making and Leadership, Continued

Examples

Example:

Bell, Book, Candle

- The Bell - Do any “bells” or warning buzzers go off as I consider my choice or alternative?
- The Book - Does it violate any laws, ordinances, policies, procedures, etc.?
- The Candle - Will my decision be able to withstand the light of day, spotlight of media attention, publicity, family? (Adapted from Josephson Institute of Ethics)

Example:

Legal, Ethical, Effective

- Is it legal?
- Is it permitted by your agency policy, procedure, code of conduct?
- How would it be viewed by your agency, community and fellow peace officers?
- Does your personal code of ethics give the choice a “thumbs-up”?
- Is it a true ethical dilemma? Do both choices appear to be right?
- Will it accomplish desired outcomes and be consistent with the traits and competencies of an ethical peace officer?

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Ethical Decision Making and Leadership, Continued

Ethical decision making and leadership

Peace officers who practice the competencies of ethical leadership with the requisite skills of problem-solving, will be better equipped to arrive at appropriate solutions in decision making.

In the challenging work environment that faces peace officers, these decisions can often be difficult. Peace officers who rely on a code of ethics and are guided by effective techniques, will implement actions that are fair, legal and just.

Chapter Synopsis

Learning need Peace officers are empowered and entrusted by the community with a broad range of power, authority and discretion to maintain safety and order. Professional and ethical standards are the means by which peace officers maintain the public trust. To be effective, a peace officer, must make a life-long commitment to these standards.

Profession and public trust
[1.02.EO8] The profession of policing requires its members to adhere to specific standards in order to maintain the trust and respect of those who are served. Public trust is the foundation of peace officers' authority and power by virtue of a social contract with government.

Ethics are the accepted principles of conduct governing decisions and actions based on professional values and expectations.

Expectations of peace officers conduct
[1.02.EO9] The community expects that peace officers' will serve the public interest and conduct themselves in an ethical manner. Their agency expects conformance with the law. Officers expect appropriate training and fair and ethical treatment.

Benefits of ethical behavior
[1.02.EO10] Professional conduct and ethical behavior benefits not only officers and their agencies, but also the community and society as a whole.

Consequences of unethical/unprofessional conduct
[1.02.EO11] Unethical/unprofessional conduct or breaches in ethical conduct can occur in any profession. The negative effects of such behavior are particularly detrimental in the policing profession.

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Chapter Synopsis, Continued

Law enforcement code of ethics/conduct
[1.02.EO12]

The *Law Enforcement Code of Ethics* was adopted as a uniform code of ethics to guide the peace officer. By adhering to the code, officers demonstrate to the community and to their peers that they are honorable and trustworthy. The *Code of Conduct* is designed to enhance the *Law Enforcement Code of Ethics*.

Unprofessional conduct and intervention
[1.02.EO13, 1.02.EO14, 1.02.EO15]

Peace officers have a legal and ethical obligation to uphold the law no matter who is breaking it. It does not matter whether the violator is considered an average citizen, a prominent community or corporate leader, or another peace officer.

Ethical decision making and leadership
[1.02.EO16, 1.02.EO17]

Ethics is not about what you know, it's about what you do. What is "best" is sometimes confusing when conflicting priorities, human emotions and the stress of policing can combine to tempt one to grasp at the easy choice or take the first option that comes to mind.

Peace officers who practice the competencies of ethical leadership with the requisite skills of problem-solving, will be better equipped to arrive at appropriate solutions in decision making.

Workbook Learning Activities

Introduction

To help you review and apply the material covered in this chapter, a selection of learning activities has been included. No answers are provided. However, by referring to the appropriate text, you should be able to prepare a response.

Activity questions

1. Over the course of several weeks on patrol, a peace officer notices that her partner seems to target Latino teens for drug possession arrests, while overlooking similar suspicious activities when white teens are engaged. Do you think the partner's actions might constitute unethical behavior? Why or why not? What, if any, action should the officer take to intervene?

2. A peace officer notices that his partner of several years has begun to use discourteous tones on vehicle stops and excessive roughness in dealing with other subjects, though no one has been injured. Give two examples of interventions the officer might use and identify whether each is an advance, immediate, or delayed intervention.

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

5. What is the *Code of Professional Conduct and Responsibilities for Peace Officers*? How does this supplement the Law Enforcement *Code of Ethics*?

6. Why does it matter whether peace officers are personally ethical as long as they adhere to the law?

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

7. What do you think makes an individual ethical? Consider the classic dilemma of the person who cannot afford the only medicine that will save his or her spouse's life. Is it ethical to steal the medicine in this case? Explain your answer. As a peace officer encountering the person who stole under these circumstances, what would your responsibilities be? How might this differ, if at all, from your personal feelings?

8. List four promises peace officers make when they agree to abide by the *Law Enforcement Code of Ethics*.
-

Supplementary Material

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Law Enforcement Code of Ethics

Law enforcement code of ethics

As a law enforcement officer, my fundamental duty is to serve mankind:

- to safeguard lives and property,
- to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder, and
- to respect the Constitutional rights of all men to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my agency. Whatever I see or hear of confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession..... law enforcement.

Code of Professional Conduct and Responsibility for Peace Officers

Preamble

WHEREAS, peace officers are vested with a public trust which requires that they consistently demonstrate the highest degree of integrity and good moral character; and

WHEREAS, the need to maintain high standards of moral character, integrity, knowledge, and trust requires the establishment of a Code of professional Conduct and Responsibility for Peace Officers as a matter of the highest significance to the health, welfare, and safety of the citizens of this state; and

WHEREAS, the establishment of a Code of Professional Conduct and Responsibility for Peace Officers, which includes Cannons of Ethics and minimum standards, requires the granting of authority to enforce these standards of professional conduct through disciplinary action as necessary for the protection of the health, welfare, and safety of the public;

BE IT RESOLVED that the need to maintain high standards of moral character, integrity, knowledge, and trust require that peace officers establish and conform to a Code of Professional Conduct and Responsibility for Peace Officers.

General statement

Peace officers are granted a public trust which requires that they consistently demonstrate the highest degree of integrity. To be worthy of this public trust, and to ensure that their professional conduct is above reproach, members of the peace officer profession must not only conform to a Code of Ethics but must also abide by these Cannons of Ethics and Ethical Standards which constitute this **Code Of Professional Conduct and Responsibility for Peace Officers** as a means of internal regulation.

The essence of a profession requires that, in addition to prescribing a desired level of performance, it must establish minimum standards of ethical conduct with prescribed rules for internal discipline to ensure compliance. Accordingly, this **Code of Professional Conduct and Responsibility for Peace Officers** is established for the peace officer profession.

Continued on next page

Code of Professional Conduct and Responsibility for Peace Officers, Continued

General statement
(continued)

Nothing in the *Code of Professional Conduct and Responsibility for Peace Officers* is intended to limit or supersede any provision of law referring to the duties and obligations of peace officers or the consequences of a violation thereof. Whereas these rules specify certain conduct as unprofessional, this is not to be interpreted as approval of conduct not specifically mentioned.

Nothing in this Code is intended to limit the authority of an agency to adopt and enforce rules and regulations that are more stringent or comprehensive than those that are contained in this *Code of Professional Conduct and Responsibility for Peace Officers*.

Definitions

This *Code of Professional Conduct and Responsibility for Peace Officers* is comprised of nine Canons of Ethics, with explanatory statements in the form of Ethical Standards. Examples of Disciplinary Rules and Enforcement Procedures are included as an addendum for individual agency consideration. Following are definitions of these terms, as used in the context of the Code:

Term	Definition
Peace Officer	A regular employed and full-time sheriff, undersheriff, or deputy sheriff of a county; a chief of police, or any police officer of a city or any chief of police or police officer of a district authorized by law to maintain a police agency; or any other person within the state who is defined as a peace officer

Continued on next page

Code of Professional Conduct and Responsibility for Peace Officers, Continued

Definitions
(continued)

Term	Definition
Canons	Statements which express in general terms, standards of professional conduct expected of peace officers in their relationship with the public, the criminal justice system, and peace officer profession. They embody the general concepts from which the Ethical Standards and the Disciplinary Rules are derived.
Ethical Standards	Statements that represent the objectives toward which every peace officer shall strive. They constitute principles that can be relied upon by the peace officer for guidance in specific situations.
Disciplinary Rules	Specify an unacceptable level of conduct for all peace officers, regardless of their rank or the nature of their assignment. Any peace officer who violates any agency rule that applies to these canons and standards is guilty of unprofessional conduct and is subject to disciplinary action. Violation of disciplinary rules requires appropriate adjudication and disciplinary action ranging from oral reprimand to termination and/or criminal prosecution or other administrative action sanctioned by law, as dictated by the individual case.

Continued on next page

Code of Professional Conduct and Responsibility for Peace Officers, Continued

Definitions
(continued)

Term	Definition
Enforcement Procedures	The fundamental rights of an accused officer which are applicable to a disciplinary investigation or proceeding against the officer.
Administrative Investigation	An investigation conducted to determine whether an officer has violated any provision of this code or agency rule or regulation; or whether an officer is impaired or unfit to perform the duties and responsibilities of a peace officer.
Formal Discipline	This is the final adjudication of administrative or disciplinary charges. Formal discipline shall be deemed final only after an officer has exhausted or waived all legal remedies available and actual discipline has been invoked.

Continued on next page

Code of Professional Conduct and Responsibility for Peace Officers, Continued

Canons of ethics

Canon One	Ethical Standards	
<p>Peace officers shall uphold the Constitution of the United States, the State Constitution, and all laws enacted or established pursuant to legally constituted authority.</p>	Standard 1.1	Peace officers shall recognize that the primary responsibility of their profession and of the individual officer is the protection of the people within the jurisdiction of the United States through upholding of their laws, the most important of which are the Constitution of the United States and State Constitutions and laws derived therefrom.
	Standard 1.2	Peace officers shall be aware of the extent and the limitations of their authority in the enforcement of the law.
	Standard 1.3	Peace officers shall diligently study principles and new enactments of the laws they enforce.
	Standard 1.4	Peace officers shall be responsible for keeping abreast of current case law as applied to their duties.
	Standard 1.5	Peace officers shall endeavor to uphold the spirit of the law, as opposed to enforcing merely the letter of the law.
	Standard 1.6	Peace officers shall respect and uphold the dignity, human rights, and Constitutional rights of all persons.

Continued on next page

Code of Professional Conduct and Responsibility for Peace Officers, Continued

Canons of ethics (continued)

Canon Two	Ethical Standards	
<p>Peace officers shall be aware of and shall use proper and ethical procedures in discharging their official duties and responsibilities.</p>	Standard 2.1	Peace officers shall be aware of their lawful authority to use that force reasonably necessary in securing compliance with their lawful enforcement duties.
	Standard 2.2	Peace officers shall truthfully, completely, and impartially report, testify, and present evidence in all matters of an official nature.
	Standard 2.3	Peace officers shall follow legal practices in such areas as interrogation, arrest or detention, searches, seizures, use of informants, and collection and preservation of evidence.
	Standard 2.4	Peace officers shall follow the principles of integrity, fairness, and impartiality in connection with their duties.

Continued on next page

Code of Professional Conduct and Responsibility for Peace Officers, Continued

Canons of ethics (continued)

Canon Three	Ethical Standards	
<p>Peace officers shall regard the discharge of their duties as a public trust and shall recognize their responsibilities to the people whom they are sworn to protect and serve.</p>	Standard 3.1	Peace officers, as professionals, shall maintain an awareness of those factors affecting their responsibilities.
	Standard 3.2	Peace officers, during their tour of duty, shall diligently devote their time and attention to the effective and professional performance of their responsibilities.
	Standard 3.3	Peace officers shall ensure that they are prepared for the effective and efficient undertaking of their assignment.
	Standard 3.4	Peace officers shall safely and efficiently use equipment and material available to them.
	Standard 3.5	Peace officers shall be prepared to and shall respond effectively to the demands of their office.
	Standard 3.6	Peace officers, with due regard for compassion, shall maintain an objective and impartial attitude in official contacts.

Continued on next page

Code of Professional Conduct and Responsibility for Peace Officers, Continued

Canons of ethics (continued)

Canon Three (continued)	Ethical Standards	
<p>Peace officers shall regard the discharge of their duties as a public trust and shall recognize their responsibilities to the people whom they are sworn to protect and serve.</p>	Standard 3.7	Peace officers shall not allow their personal convictions, beliefs, prejudices, or biases to interfere unreasonably with their official acts or decisions.
	Standard 3.8	Peace officers shall recognize that their allegiance is first to the people, then to their profession and the governmental entity or agency that employs them.

Continued on next page

Code of Professional Conduct and Responsibility for Peace Officers, Continued

Canons of ethics (continued)

Canon Four	Ethical Standards	
<p>Peace officers will so conduct their public and private life that they exemplify the high standards of integrity, trust, and morality demanded of a member of the peace officer profession.</p>	Standard 4.1	Peace officers shall refrain from consuming intoxicating beverages to the extent that it results in impairment which brings discredit upon the profession or their employing agency, or renders them unfit for their next tour of duty.
	Standard 4.2	Peace officers shall not consume intoxicating beverages while on duty, except to the degree permitted in the performance of official duties, and under no circumstances while in uniform.
	Standard 4.3	Peace officers shall not use any narcotics, hallucinogens, or any other controlled substance except when legally prescribed. When such controlled substances are prescribed, officers shall notify their superior officer prior to reporting for duty.
	Standard 4.4	Peace officers shall maintain a level of conduct in their personal and business affairs in keeping with the high standards of the peace officer profession. Officers shall not participate in any incident involving moral turpitude.

Continued on next page

Code of Professional Conduct and Responsibility for Peace Officers, Continued

Canons of ethics (continued)

Canon Four (continued)	Ethical Standards	
<p>Peace officers will so conduct their public and private life that they exemplify the high standards of integrity, trust, and morality demanded of a member of the peace officer profession.</p>	Standard 4.5	Peace officers shall not undertake financial obligations which they know or reasonably should know they will be unable to meet and shall pay all just debts when due.
	Standard 4.6	Peace officers shall not engage in illegal political activities.
	Standard 4.7	Peace officers shall not permit or authorize for personal gain the use of their name or photograph and official title identifying them as peace officers in connection with testimonials or advertisements for any commodity, commercial enterprise, or commercial service which is not the product of the officer involved.
	Standard 4.8	Peace officers shall not engage in any activity which would create a conflict of interest or would be in violation of any law.
	Standard 4.9	Peace officers shall at all times conduct themselves in a manner which does not discredit the peace officer profession or their employing agency.

Continued on next page

Code of Professional Conduct and Responsibility for Peace Officers, Continued

Canons of ethics (continued)

Canon Four (continued)	Ethical Standards	
<p>Peace officers will so conduct their public and private life that they exemplify the high standards of integrity, trust, and morality demanded of a member of the peace officer profession.</p>	Standard 4.10	Peace officers shall not be disrespectful in their official dealings with the public, fellow officers, superiors and subordinates.
	Standard 4.11	Peace officers shall be courteous and respectful in their official dealings with the public, fellow officers, superiors and subordinates.
	Standard 4.12	Peace officers shall not engage in any strike, work obstruction or abstention, in whole or in part, from the full, faithful and proper performance of their assigned duties and responsibilities, except as authorized by law.
	Standard 4.13	Peace officers shall maintain a neutral position with regard to the merits of any labor dispute, political protest, or other public demonstration, while acting in an official capacity.

Code of Professional Conduct and Responsibility for Peace Officers, Continued

Canons of ethics (continued)

Canon Five	Ethical Standards	
<p>Peace officers shall recognize that our society holds the freedom of the individual as a paramount precept which shall not be infringed upon without just, legal and necessary cause.</p>	Standard 5.1	Peace officers shall not restrict the freedom of individuals, whether by detention or arrest, except to the extent necessary to legally and reasonably apply the law.
	Standard 5.2	Peace officers shall recognize the rights of individuals to be free from capricious or arbitrary acts which deny or abridge their fundamental rights as guaranteed by law.
	Standard 5.3	Peace officers shall not use their official position to detain any individual, or to restrict the freedom of any individual, except in the manner and means permitted or prescribed by law.

Continued on next page

Code of Professional Conduct and Responsibility for Peace Officers, Continued

Canons of ethics (continued)

Canon Six	Ethical Standards	
<p>Peace officers shall assist in maintaining the integrity and competence of the peace officer profession.</p>	Standard 6.1	Peace officers shall recognize that every person in our society is entitled to professional, effective, and efficient law enforcement services.
	Standard 6.2	Peace officers shall perform their duties in such a manner as to discourage double standards.
	Standard 6.3	Peace officers shall conduct themselves so as to set exemplary standards of performance for all law enforcement personnel.
	Standard 6.4	Peace officers shall maintain the integrity of their profession, through complete disclosure of those who violate any of these rules of conduct, violate any law, or who conduct themselves in a manner which tends to discredit the profession.
	Standard 6.5	Peace officers shall have responsibility for reporting to proper authorities any known information which would serve to disqualify candidates from transferring within or entering the profession.

Continued on next page

Code of Professional Conduct and Responsibility for Peace Officers, Continued

Canons of ethics (continued)

Canon Six (continued)	Ethical Standards	
<p>Peace officers shall assist in maintaining the integrity and competence of the peace officer profession.</p>	Standard 6.6	Peace officers shall be responsible for maintaining a level of education and training that will keep them abreast of current techniques, concepts, laws, and requirements of the profession.
	Standard 6.7	Chief executive peace officers shall accept the responsibility of utilizing all available resources and the authority of their office to maintain the integrity of their agency and the competency of their officers. These Canons and Ethical Standards shall apply to all legally defined peace officers regardless of rank.
	Standard 6.8	Peace officers shall assume a leadership role in furthering their profession by encouraging and assisting in the education and training of other members of the profession.

Continued on next page

Code of Professional Conduct and Responsibility for Peace Officers, Continued

Canons of ethics (continued)

Canon Seven	Ethical Standards	
<p>Peace officers shall cooperate with other officials and organizations who are using legal and ethical means to achieve the goals and objectives of the peace officer profession.</p>	Standard 7.1	Peace officers, within legal and agency guidelines, shall share with personnel both within and outside their agency, appropriate information that will facilitate the achievement of criminal justice goals or objectives.
	Standard 7.2	Peace officers, whether requested through appropriate channels or called upon individually, shall render needed assistance to any other officer in the proper performance of their duty.
	Standard 7.3	Peace officers shall, within legal and agency guidelines, endeavor to communicate to the people of their community the goals and objectives of the profession and keep them apprised of conditions which threaten the maintenance of an ordered society.

Continued on next page

Code of Professional Conduct and Responsibility for Peace Officers, Continued

Canons of ethics (continued)

Canon Eight	Ethical Standards	
<p>Peace officers shall not compromise their integrity, nor that of their agency or profession, by accepting, giving, or soliciting any gratuity.</p>	Standard 8.1	Peace officers shall refuse to offer, give, or receive gifts, favors or gratuities, either large or small, which can be reasonably interpreted as capable of influencing official acts or judgments. This standard is not intended to isolate peace officers from normal social practices or relatives, where appropriate.
	Standard 8.2	Peace officers shall not consider their badge of office as a license designed to provide them with special favor or consideration.

Continued on next page

Code of Professional Conduct and Responsibility for Peace Officers, Continued

Canons of ethics (continued)

Canon Nine	Ethical Standards	
<p>Peace officers shall observe the confidentiality of information available to them through any source, as it relates to the peace officer profession.</p>	Standard 9.1	Peace officers shall be aware of and shall meticulously observe all legal restrictions on the release and dissemination of information.
	Standard 9.2	Peace officers shall treat as confidential the official business of their employing agency, and shall release or disseminate such information solely in an authorized manner.
	Standard 9.3	Peace officers shall treat as confidential that information confided to them personally. They shall disclose such information as required in the proper performance of their duties.
	Standard 9.4	Peace officers shall neither disclose nor use for their personal interest any confidential information acquired by them in the course of their official duties.
	Standard 9.5	Peace officers shall treat as confidential all matters relating to investigations, internal affairs, and personnel.

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The following references and suggested readings may provide useful information and training resources.

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Ken Blanchard Companies. www.kenblanchard.com

Ethics Resource Center. www.ethics.org

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References and Suggested Reading Material, Continued

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Glossary

Introduction **The following glossary terms apply only to Learning Domain 1: Leadership, Professionalism, and Ethics.**

authority A peace officers right to influence others that is granted by law

canons General statements of the standards of professional conduct expected of peace officers

commitment An outward manifestation of an internal agreement/willingness to embrace the leadership values and agency goals

compliance Acceptance of a person’s authority. It yields to an outward change in behavior, without an accompanying alteration of attitude

disciplinary rules Rules established by each law enforcement agency that specify unacceptable levels of peace officer conduct

ethical standards The criteria set for professional conduct. Statements of the specific objectives for which peace officers should strive are found in the *Code of Conduct*

ethics The accepted principles of conduct governing decisions and actions based on professional values and expectations

intervention The act of attempting to prevent or attempting to stop the inappropriate or unlawful behavior of another officer

Continued on next page

Glossary, Continued

leadership The practice of influencing people while using ethical values and goals to produce an intended change

organizational values The collective beliefs that characterize an organization

power capacity to influence and inspire others

personal values The individual beliefs that a person relies on in making the personal decisions in his/her daily life

principles Ethical standards that people rely on for guidance in decision making

professional values The beliefs that are fundamental to and characterize a specific vocational group or discipline

professionalism Adherence to high standards of behavior and training required for employment in a particular occupation or profession

public trust The foundation of a peace officer's authority and power, by virtue of a social contract with the government

statutory codes Laws enacted to preserve the public order by defining an offense against the public and imposing a penalty for its violation

values The fundamental beliefs upon which decisions and conduct are based

Basic Course Workbook Series Student Materials

**Learning Domain 18
Investigative Report Writing
Version 3.1**

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THE ACADEMY TRAINING MISSION

The primary mission of basic training is to prepare students mentally, morally, and physically to advance into a field training program, assume the responsibilities, and execute the duties of a peace officer in society.

FOREWORD

The California Commission on Peace Officer Standards and Training sincerely appreciates the efforts of the many curriculum consultants, academy instructors, directors and coordinators who contributed to the development of this workbook. The Commission extends its thanks to California law enforcement agency executives who offered personnel to participate in the development of these training materials.

This student workbook is part of the POST Basic Course Training System. The workbook component of this system provides a self-study document for every learning domain in the Basic Course. Each workbook is intended to be a supplement to, not a substitute for, classroom instruction. The objective of the system is to improve academy student learning and information retention.

The content of each workbook is organized into sequenced learning modules to meet requirements as prescribed both by California law and the POST Training and Testing Specifications for the Basic Course.

It is our hope that the collective wisdom and experience of all who contributed to this workbook will help you, the student, to successfully complete the Basic Course and to enjoy a safe and rewarding career as a peace officer serving the communities of California.

A handwritten signature in black ink, appearing to read 'Paul Cappitelli', with a stylized flourish at the end.

PAUL CAPPITELLI
Executive Director

LD18: Investigative Report Writing

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Preface

Introduction

Student workbooks

The student workbooks are part of the POST Basic Course Instructional System. This system is designed to provide students with a self-study document to be used in preparation for classroom training.

Regular Basic Course training requirement

Completion of the Regular Basic Course is required, prior to exercising peace officer powers, as recognized in the California Penal Code and where the POST-required standard is the POST Regular Basic Course.

Student workbook elements

The following elements are included in each workbook:

- chapter contents, including a synopsis of key points,
 - supplementary material, and
 - a glossary of terms used in this workbook.
-

How to Use the Student Workbook

Introduction

This workbook provides an introduction to the training requirements for this Learning Domain. It is intended to be used in several ways: for initial learning prior to classroom attendance, for test preparation, and for remedial training.

Workbook format

To use the workbook most effectively, follow the steps listed below.

Step	Action
1	Begin by reading the: Preface and How to Use the Workbook, which provide an overview of how the workbook fits into the POST Instructional System and how it should be used.
2	Refer to the Chapter Synopsis section at the end of each chapter to review the key points that support the chapter objectives.
3	Read the text.
4	Complete the Workbook Learning Activities at the end of each chapter. These activities reinforce the material taught in the chapter.
5	Refer to the Glossary section for a definition of important terms. The terms appear throughout the text and are bolded and underlined the first time they appear (e.g., <u>term</u>).

Chapter 1

Introduction to Investigative Report Writing

Overview

Learning need A peace officer's ability to clearly document the facts and activities of an investigation not only reflects on the officer's own professionalism, but also on the ability of the justice system to prosecute the criminal case.

Learning objectives The table below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to:	E.O. Code
<ul style="list-style-type: none">explain the legal basis for requiring investigative reports.	18.01.EO2

In this chapter This chapter focuses on background information regarding the writing of investigative reports. Refer to the following table for specific topics.

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Investigative Reports and the Judicial Process

[18.01.EO2]

Introduction

As much as 40% of a peace officer's work involves writing. Good investigative skills can be diminished if officers do not have the necessary writing skills to record their observations, findings, and actions clearly and concisely.

Investigative report

An **investigative report** is a written document prepared by a peace officer that records in detail the officer's observations and actions as they relate to a specific event or incident.

Each investigative report is a legal document that becomes a permanent written record of that event or incident.

Judicial process

A suspect's freedom, rights or privileges cannot be taken away or denied unless there is sufficient cause to justify such action.

In order to ensure *due process*, officers, prosecutors, judges, etc., must have sufficient information and evidence to initiate or continue the judicial process and successfully prosecute or exonerate a suspect.

Continued on next page

Investigative Reports and the Judicial Process, Continued

Officer's reports and the judicial process

The judicial process cannot function without the investigative reports written by the officers who have the direct knowledge of an event or incident.

An officer's report must present each event or incident in a complete and clear manner. Any investigation, arrest, prosecution, or other action taken must be initiated, supported, or justified by the information included in the report written by that officer.

Because peace officer's reports are so important to the judicial process, each one must be able to stand up to critical review and legal scrutiny.

Statutory requirement

State and federal statutes mandate that law enforcement agencies report certain events and incidents. *Penal Code Section 11107* requires each sheriff or police chief executive to furnish reports of specified misdemeanors and felonies to the Department of Justice.

Such reports must:

- describe the nature and character of each crime,
- note all particular circumstances of that crime, and
- include all additional or supplemental information pertaining to the suspected criminal activity.

Although the statutes are directed at the executive level, officers in the field are the ones who carry out the task of writing the reports. It is those officers reports that contain the information that will eventually be forwarded to the Department of Justice.

Continued on next page

Investigative Reports and the Judicial Process, Continued

Specified crimes

Specified misdemeanors and felonies that require investigative reports, as required under *Penal Code Section 11107*, include, but are not limited to:

- forgery,
 - fraud-bunco,
 - bombings,
 - receiving or selling stolen property,
 - safe and commercial burglary,
 - grand theft,
 - child abuse,
 - homicide,
 - threats,
 - offenses involving lost, stolen, found, pledged, or pawned property,
 - domestic abuse, and
 - sex crimes.
-

Failure to file a report

Peace officers have a legal and moral duty to investigate and report crimes or incidents that come to their attention. Failure to uphold this responsibility can have negative consequences for officers.

- Deliberate failure to report a crime may be considered a violation of agency regulations and grounds for disciplinary action.
 - Any officer who knowingly files a false report will be guilty of a crime. (*Penal Code Section 118.1*)
-

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Investigative Reports and the Judicial Process, Continued

Ethics

All reports are to be true, unbiased, and unprejudiced. These are easy words to say, but sometimes hard to live by. It is not always easy to know or find out the truth. Clearly it is the peace officer's moral obligation to seek the truth, lying is wrong. Truth and public trust cannot be separated.

Agency policies

Different agencies vary in their policies, regulations, and guidelines regarding the roles and responsibilities of peace officers for writing investigative reports.

It is the responsibility of each officer to be familiar with and follow that officer's specific agency policies.

Uses of Investigative Reports

Introduction

Even though it is the officer in the field who gathers the initial information regarding a crime, that officer may not be the person who must use that information to make decisions regarding further actions. Those decisions are usually made by other people removed from the actual event. They must rely on the information in the investigating officer's report to make decisions.

How investigative reports are used

The investigative reports written by peace officers have many different uses within the criminal justice system and beyond.

The following table identifies a number of ways investigative reports can be used.

Reports are used to...	by...
assist with the identification, apprehension and prosecution of criminals	<ul style="list-style-type: none">• serving as a source document for filing criminal complaints,• providing a record of all investigations,• providing information to identify the mode of operation of an individual offender, or• providing a basis for follow up investigations.
assist prosecutors, defense attorneys, and other law enforcement agencies	<ul style="list-style-type: none">• providing records of all investigations,• serving as source documents for criminal prosecution, or• documenting agency actions.

Continued on next page

Uses of Investigative Reports, Continued

**How
investigative
reports are
used**
(continued)

Reports are used to...	by...
assist officers prior to or during court appearances	<ul style="list-style-type: none"> • refreshing the officer's memory before testifying, or • preparing to provide hearsay testimony at preliminary hearings.
aid in determining potential civil liability	<ul style="list-style-type: none"> • documenting events such as: <ul style="list-style-type: none"> - accidents or injuries on city or county property, - industrial injuries, or - fires or other events that prompt a peace officer response. • presenting justification for an officer's behavior or actions.
assist decision makers and criminal justice researchers	<ul style="list-style-type: none"> • providing statistical information in order to: <ul style="list-style-type: none"> - analyze crime trends, - determine the need for additional employees and equipment, - determine personnel deployment requirements, - assess community needs, - generate uniform crime reports, or - identify specialized law enforcement needs. • satisfying mandatory reporting requirements for specific criminal acts. (e.g., child abuse, incidents of domestic violence, missing persons, etc.)

Continued on next page

Uses of Investigative Reports, Continued

**How
investigative
reports are
used**
(continued)

Reports are used to...	by...
serve as reference material	<ul style="list-style-type: none">• providing information to:<ul style="list-style-type: none">- the public- insurance companies,- the media, or- other local, state, and federal law enforcement agencies.
provide information for evaluating an officer's performance	<ul style="list-style-type: none">• giving the evaluating agency insight into the officer's ability to:<ul style="list-style-type: none">- write clearly, accurately, and mechanically (error-free),- demonstrate a knowledge of law,- demonstrate a knowledge of agency policies and procedures,- investigate criminal acts, and- recognize potential evidence and relevant information.

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Uses of Investigative Reports, Continued

User needs

Investigative reports must take into account the needs of each potential user of that report. The report must provide not only a clear word-picture of the event or incident but also the critical information necessary for those users to do their jobs.

Report users

The following table identifies a number of prospective users and how they will use an officer's investigative report.

Prospective Users	Purpose for Using an Officer's Investigative Report
Immediate supervisors and Field Training Officers	<ul style="list-style-type: none"> • To determine the next action (e.g., referral for further investigation, file a complaint, forward to a prosecutor, etc.) • To evaluate an officer's: <ul style="list-style-type: none"> - ability to convert observations and verbal information into a written format that others can use - performance during an investigation
Detectives and investigators	<ul style="list-style-type: none"> • To gather information to use during the follow up investigation of a specific event or incident • To clear or close out cases
Representatives of other law enforcement agencies	<ul style="list-style-type: none"> • To develop mandatory crime reports • To aid in further investigations (e.g., Highway Patrol, Fire Department)
Prosecuting and defense attorneys	<ul style="list-style-type: none"> • To prepare their cases • To determine if officers acted appropriately to ensure the rights of the suspect

Continued on next page

Uses of Investigative Reports, Continued

Report users
(continued)

Prospective Users	Purpose for Using an Officer's Investigative Report
Other attorneys	<ul style="list-style-type: none">• To evaluate the basis for civil litigation• To establish a basis for appeals
Parole, probations and custody personnel	<ul style="list-style-type: none">• To determine probation conditions• To set requirements for parole• To aid in classifying inmates based on special needs or security requirements
Involved parties	<ul style="list-style-type: none">• Under certain circumstances, victims, witnesses, or suspects may gain access for court preparation.
Media representatives	<ul style="list-style-type: none">• As a source of news material
Insurance agencies	<ul style="list-style-type: none">• To provide information for their own investigations• To verify claims

Characteristics of an Effective Investigative Report

Introduction

Peace officers are faced with a variety of events and incidents. The specific contents of an officer's reports must reflect that specific event or incident. Although the details may vary, there are six characteristics that all effective investigative reports have in common.

Characteristics of an effective report

No matter what type of investigative report is being written (i.e., arrest report, incident report, etc.) that report must be:

- **F**actual,
- **A**ccurate,
- **C**lear,
- **C**oncise,
- **C**omplete, and
- **T**imely.

Peace officers can use the acronym **FACCCT** to help them remember these characteristics.

Leadership

In a free and democratic society, all segments of the criminal justice system are open to public scrutiny and subject to public record. A police report is often the first and most significant documented account of a possible crime. As such, the police report is a fundamental instrument of democratic law enforcement. Therefore, we place high value on our officers' ability to write good reports. A good report is one that the officer is proud of and will stand the test of time. It must be factual, clear, concise, and complete. Accuracy and attention to detail will provide others in the criminal justice system with a clear picture of what happened.

Continued on next page

Characteristics of an Effective Investigative Report,

Continued

Factual

Critical decisions made based on an officer's investigative report require that each report be factual. Users of the report must have an exact and literal representation of the event or incident.

The factual report provides an *objective* accounting of the relevant facts related to the event or incident under investigation. Any conclusions made by the reporting officer must be based on *objective facts*. These facts must be articulated and documented within the body of the report.

Accurate

The decisions made and actions taken by the users of the report must be supported by accurate information. There must be *no inconsistencies or discrepancies* between what took place and what is documented in the officer's report.

If any specific information is found to be inaccurate, the credibility and reliability of the report itself may be jeopardized.

Accuracy is achieved by carefully, precisely, impartially, and honestly recording all relevant information.

Clear

An investigative report must speak for the investigating officer at a time when that officer is not present. There should be no doubt or confusion on what the investigating officer is reporting. If the information is not clear and understandable.

Continued on next page

Characteristics of an Effective Investigative Report,

Continued

Clear
(continued)

Clarity is achieved by the use of appropriate language and logical order. The following table identifies a number of factors that can affect the clarity of an investigative report.

Factor	Recommendations/Rationales
Organization of information	<ul style="list-style-type: none">• Information is easier for the reader to understand when facts and events are presented in chronological order.• Events relating to the incident should have clear and logical ties to one another.
Language used	<ul style="list-style-type: none">• Simple, common language will make the writer's meaning clear.• Readers do not need to be impressed, they need to be informed.• Slang or profanity should not be used unless it is in the form of an exact quote.
Writing mechanics	<ul style="list-style-type: none">• A poorly written or sloppy report can imply poor or sloppy investigative skills.• Proper use of commas and other punctuation marks can help convey the writer's meaning.• Writing in the first-person will help the reader clearly understand who did what or who said what.• Pronoun use must leave no doubt in the reader's mind as to exactly whom or what the writer is referring.• Errors in spelling, word choice, or grammar can distract readers.• Handwriting must be legible.

Continued on next page

Characteristics of an Effective Investigative Report,

Continued

Concise

Reports should be brief yet, contain all relevant information the users will need to do their jobs. Wordiness can make a report less readable and therefore less effective.

Accuracy, completeness, or clarity should never be sacrificed for the sake of brevity. The following table identifies a number of factors that can affect a writer's ability to write concisely.

Factor	Recommendations/Rationales
Word selection	<ul style="list-style-type: none">• Statements should be direct and concrete.• Use of abstract phrases can confuse or mislead the reader.• Plain English is the most effective way to convey information.• Do not use a synonym for a word, merely to avoid repeating a word. Using the exact word may seem less interesting, but it will eliminate misunderstanding.
Sentence structure and grammar	<ul style="list-style-type: none">• Sentences should be short yet complete (subject-verb-object).• Fragments can be misinterpreted or lead to confusion.• Long drawn out sentences can be confusing and misleading.
Relevance	<ul style="list-style-type: none">• Only the information that will be needed by the user should be included in the report.

Continued on next page

Characteristics of an Effective Investigative Report,

Continued

Complete

An officer's report must contain all the relevant information and facts the user of that report will need. If the user must contact the writer to gather additional information, the report is not complete.

A report is complete when...	Description
it presents a complete word-picture of the event or incident.	<ul style="list-style-type: none">• Descriptions are comprehensive.• Physical conditions are noted.• Users are able to visualize the scene.
there are no questions left in the user's mind regarding the event or incident.	<ul style="list-style-type: none">• Key information regarding the <i>what, when, where, who, how, and why</i> is recorded.• Facts are presented.• Statements are supported by details.• The order of events is clear and easy to follow.
the actions taken by officers are reported.	<ul style="list-style-type: none">• Actions are described.• Decisions are justified.• Statements regarding probable cause are present.
both supporting and conflicting information is presented.	<ul style="list-style-type: none">• Information that may conflict with stated conclusions or actions must also be included.• Investigators, prosecutors, etc. can only determine the merit of information that they are aware of.

NOTE: Report formats used by officers can vary. Some jurisdictions require that certain information be noted on a standardized form that is often used as the report's face sheet. Officers who use such formats must be sure that all relevant blocks or portions of the standardized forms are completed, even if the same information is duplicated in a later narrative.

Continued on next page

Characteristics of an Effective Investigative Report,

Continued

Timely

No decisions can be made or actions taken if an officer's report does not reach the users in a timely fashion. Evidence can be lost, suspects or witnesses may disappear, and the support and good will in the community can be lost if action toward resolving a case is delayed.

Common characteristics

The following table illustrates the six common characteristics of an effective investigative report.

Characteristic	Well Written	Poorly Written
F actual	The victim could not provide additional information about the suspect.	The victim could not remember what the guy looked like but thought he was a minority. There seems to be a number of those around lately.
A ccurate	On 1-5-99 at 16:00 hrs.	During the first part of the day shift...
C lear	She left for work at 0700 hrs. and returned for lunch at 1130 hrs.	She went to work as usual in the morning and when she came home for lunch like she always does she found the conditions stated as such.
C oncise	She discovered her TV and VCR were missing.	She looked around and she found some books knocked over. She looked around some more and noticed her TV and VCR were not where they were supposed to be.

Continued on next page

Characteristics of an Effective Investigative Report,

Continued

Common characteristics
(continued)

Characteristic	Well Written	Poorly Written
Complete	I told her that an evidence technician would be sent to her home.	I told her someone would follow up.
Timely	Officers should be aware of their own agency policies regarding when reports need to be submitted.	

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Chapter Synopsis

Learning need

A peace officer's ability to clearly document the facts and activities of an investigation not only reflects on the officer's own professionalism, but also on the ability of the justice system to prosecute the criminal case.

Investigative reports
[18.01.EO1]

An investigative report is a written document prepared by a peace officer that records in detail that officer's observations and actions as they relate to a specific event or incident.

Workbook Learning Activities

Introduction

To help you review and apply the material covered in this chapter, a selection of learning activities has been included. No answers are provided. However, by referring to the appropriate text, you should be able to prepare a response.

Activity questions

1. Why should the ability to take accurate field notes and to write effective investigative reports be *personally* important to a peace officer? Why is it legally important to the officer's agency?

Continued on next page

Workbook Learning Activities, Continued

Activity questions
(continued)

2. You are preparing to write the report after investigating a residential robbery where a number of expensive antiques were stolen. List the prospective users of that officer's report. Explain what decisions will be made or actions taken by each. What type of information will each be looking for within that officer's report?

Prospective Users	Decisions/Actions	Information Needed

Continued on next page

Workbook Learning Activities, Continued

Activity questions
(continued)

5. Complete the following table with the appropriate characteristics of an effective report represented by the letters FACCCT. In your own words, describe *why* each characteristic is important to the identified prospective users.

To be effective an investigative report must be...	Prospective Users		
	An investigator assigned to the case	A reporter from the local newspaper	A defense attorney
F			
A			
C			
C			
C			
T			

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

6. Read the following narrative from an officer's investigative report. Would it meet the FACCCT standard? If not, mark the specific statements that need improvement. Describe why and how each should be improved.

While I was patrolling on the street next to the city park, I saw a man who was in the park after closing hours stumble and fall down. He tried to get up but fell down a second time. When I stopped to check on the man, he appeared to be drunk. He was carrying a bag which contained a half empty can of beer. I asked him if he had been drinking and he said he had a few beers with a friend but was now on his way home. He also told me that the path through the park was a shortcut. I asked the man for ID and he produced his driver's license. I arrested the man because the man was drunk and had an open container of alcohol while being in the park after it was officially closed.

Continued on next page

Workbook Learning Activities, Continued

Additional classroom activities

Writing an investigative report that is factual, accurate, clear, concise, complete, and timely is a skill that requires practice. As part of the classroom activities, students will have the opportunity to enhance their own writing skills under the supervision of the instructor.

Chapter 2

Field Notes

Overview

Learning need Peace officers must recognize that the information gathered during their initial investigation in the field will become the foundation for their investigative reports.

Learning objectives The table below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to:	E.O. Code
<ul style="list-style-type: none">• discuss the importance of taking notes in preparation for writing reports.	18.02.EO6
<ul style="list-style-type: none">• apply appropriate actions for taking notes during a field interview.	18.02.EO2
<ul style="list-style-type: none">• distinguish between:<ul style="list-style-type: none">- opinion,- fact, and- conclusion.	18.02.EO3 18.02.EO4 18.02.EO5

Continued on next page

Overview, Continued

In this chapter This chapter focuses on taking field notes that will be used to write investigative reports. Refer to the following chart for specific topics.

Topic	See Page
Introduction to Field Notes	2-3
Notetaking Process During a Field Interview	2-9
Opinions, Facts, and Conclusions	2-15
Chapter Synopsis	2-18
Workbook Learning Activities	2-19

Introduction to Field Notes

[18.02.E06]

Introduction

The officers who investigate a crime or incident are responsible for providing the information other participants in the criminal justice system need to effectively do their jobs. Officers should rely on accurate sources of information when writing their reports.

Field notes

Field notes are abbreviated notations written by an officer in the field while investigating a specific incident or crime.

An officer's field notes are the **primary source** the officer will use when writing the investigative report. If the officer's field notes are incomplete, difficult to read, or poorly organized, they will be of little use to that officer.

NOTE: There are a number of formats and styles used when taking field notes. Officers should select the format or style they are comfortable with.

When to take notes

Field notes are recorded while information is fresh in the investigating officer's mind. They should be taken:

- at the scene of an event or incident,
 - when interviewing persons (e.g., victims, witness, suspects, etc.),
 - whenever an officer wishes to record specific facts for inclusion in the report, and
 - any time the officer wishes to remember specific details at a later time.
-

Continued on next page

Introduction to Field Notes, Continued

Important considerations

When determining what to include in their field notes, officers should consider the points noted in the following table.

Consideration	Explanation
Field notes are more reliable than an officer's memory.	<ul style="list-style-type: none">• An investigative report is often written several hours after the investigation of a specific event or incident has occurred.• Certain types of information such as statements, times, observations, addresses, etc., can be easily forgotten or confused with other information if not recorded while still fresh in the officer's mind.
Field notes are the primary source of information for the investigative report.	<ul style="list-style-type: none">• Well taken notes provide officers with the detailed information they will need to have in order to accurately write their reports.• Well organized notes will help officers capture vital information regarding the events, persons, statements, and other information related to the investigation.

Continued on next page

Introduction to Field Notes, Continued

Important considerations (continued)

Consideration	Explanation
Detailed field notes reduce the need to recontact the involved parties at a later time.	<ul style="list-style-type: none">• Complete field notes should contain enough information to answer any pertinent questions about the incident or persons involved.
Field notes can be used to defend the credibility of an investigative report.	<ul style="list-style-type: none">• An officer's field notes can be an indicator of that officer's thoroughness and efficiency as an investigator.• During a trial, an officer may be asked to identify the source the officer used when writing a specific report. If the officer relied on field notes the reliability and credibility of the report may be easier to defend.

NOTE: Field notes are discoverable in court. If kept, they should be prepared accordingly.

Information to include

Every event or incident is different; therefore, the facts and information the officer must gather will differ. An officer's field notes should contain the facts and information that will aid that officer in answering the questions *what, when, where, who, how, and why*.

Continued on next page

Introduction to Field Notes, Continued

Information to include
(continued)

The following table identifies some examples of the basic information officers should capture in their field notes.

	Basic Information	Examples of Additional Information
Victims and witnesses	<ul style="list-style-type: none"> • Full name • Age • Date of birth • Race • Sex • Telephone numbers (home, cellular, and work) • Address • Email address(s) 	<ul style="list-style-type: none"> • How to contact by phone and in person • Place to contact • Best time to contact • Place of employment (including address)
Occurrence	<ul style="list-style-type: none"> • Type of crime • Location • Date and time of incident • Date and time reported • Was physical evidence handled? <ul style="list-style-type: none"> - Who observed it? - To whom was it given? • Chain of custody for evidence • Direction of the suspect's flight • Type and description of weapon(s) • Threat made with weapon(s) • Direct statements made by the suspect (e.g., "I'll kill you!") • Case number • Assisting officer's actions 	<ul style="list-style-type: none"> • Person(s) involved <ul style="list-style-type: none"> - Informants - Reporting party - Victims - Witnesses - Suspects - Officers - Members of other agencies - Medical personnel - Members of the media

Continued on next page

Introduction to Field Notes, Continued

Information to include
(continued)

	Basic Information	Examples of Additional Information
Suspects	<ul style="list-style-type: none"> • Race • Sex • Age • Type of body build (i.e., heavyset, medium, small frame) • Approximate weight • Approximate height • Color of eyes • Color of hair • Hair style (e.g., long, short, curly) • Existence of facial hair • Clothing <ul style="list-style-type: none"> - Type (e.g., hats, jeans, jackets, etc.) - Color - Style (e.g., casual, conservative) • Prior knowledge of name and street name • Unusual physical attributes <ul style="list-style-type: none"> - Scars - Tattoos - Limp - Moles - Unusual odors - Missing teeth • Can the victim identify the suspect? 	<ul style="list-style-type: none"> • Unusual or memorable gestures • Speech peculiarities <ul style="list-style-type: none"> - Accents - Tone (e.g., loud, soft) - Pitch (e.g., high, low) - Speech disorders • Jewelry <ul style="list-style-type: none"> - Rings (identify which hand and finger) - Necklaces - Earrings - Body piercing • Right or left handed <ul style="list-style-type: none"> - Which hand was dominant? - Which hand held the weapon? - Which hand opened a door? - Where was a watch worn? • Any gang affiliation?

Continued on next page

Introduction to Field Notes, Continued

Incident specific information

The type of crime or incident will also indicate what specific information is required for the officer's notes.

For example, specific information for a burglary may include, but not be limited to:

- point of entry,
 - point of exit,
 - property damage,
 - types and value of property taken,
 - description of suspect's vehicle,
 - nature and location of evidence collected, or
 - unique characteristics of the crime.
-

Notetaking Process During a Field Interview

[18.02.EO2]

Introduction

The effectiveness of an officer's investigation may be dependent on that officer's ability to obtain information and statements from the involved parties.

Interviews

An **interview** is the process of gathering information from a person who has knowledge of the facts an officer will need to conduct an investigation.

Role of statements

The field notes taken by officers during an interview must be *clear, accurate* and *complete*.

Statements can be critical in tying together the specific facts of a specific incident or crime. The existence of some crime elements may only be revealed within the statements of witnesses, victims, and the suspects themselves.

Continued on next page

Notetaking Process During a Field Interview, Continued

Before the interview begins

Before beginning any field interview, officers should prepare properly. The following table identifies a number of actions the interviewing officer should take.

Actions Prior to the Actual Interview	Guidelines
Separate the involved parties	<ul style="list-style-type: none">• If possible, move the person to a location where there will be no interruptions or distractions.• Focus the person's attention on speaking with the officer rather than interacting with others.
Establish rapport	<ul style="list-style-type: none">• Tell the interviewee why the interview is being conducted.• Describe the interview process that will be followed.• Assure the person that by using this process, the officer will be able to gather that person's statement accurately.• Be courteous, considerate, and patient.• Control the interview by remaining calm and polite.

Recording the interview

Some officers may choose to use a small tape recorder while conducting an interview. Officers should be aware this may inhibit the person from talking freely. Electronic equipment can also malfunction, leaving the officer with little or no information.

Even if an officer is recording the interview, that officer should also take thorough and complete notes of the conversation.

Continued on next page

Notetaking Process During a Field Interview, Continued

Three step process

The most effective way for officers to gather clear, accurate, and complete information while conducting an interview is to use a systematic process. One such process involves the following three steps.

- Step One: Listen Attentively
Step Two: Take Notes and Ask Questions
Step Three: Verify Information
-

Step One: Listen attentively

In the first step of the process, the officer's focus should be strictly on the other person. The officer should be *listening* --- *not taking notes*.

The following table identifies a number of guidelines for officers during step one of the notetaking process.

Action	Guidelines
Ask the person to recount what has happened.	<ul style="list-style-type: none">• Allow the person to speak freely.• Have the person describe the incident just as that person understands it, using that person's own words.
Keep the person focused.	<ul style="list-style-type: none">• If the person begins to wander from the specific topic, guide the person back to the subject (i.e., "You mentioned that..." "Let's go back to...").• Maintain eye contact and use nonverbal gestures (e.g., nodding the head) to encourage the person.

Continued on next page

Notetaking Process During a Field Interview, Continued

**Step One:
Listen
attentively
(continued)**

Action	Guidelines
Listen carefully to what is being said.	<ul style="list-style-type: none">• Be particularly attentive to the essentials of the incident the person describes by including the:<ul style="list-style-type: none">- role of the person being interviewed (victim, witness, etc.),- type of crime, if any, that has been committed,- time of the occurrence, and- exact location of the person during the crime or incident.

Continued on next page

Notetaking Process During a Field Interview, Continued

**Step Two:
Take notes
and ask
questions**

When the person has finished, the officer can begin to write information. The following table identifies a number of guidelines for officers during step two of the process.

Action	Guidelines
Obtain identification information.	<ul style="list-style-type: none">• Confirm the person's role in the event or incident. (e.g., victim, witness, possible suspect, etc.)• Note the person's:<ul style="list-style-type: none">- complete name,- address and phone number (home, cellular, work and email address), and- any other information necessary for identification purposes.
Ask the interviewee to repeat their account of what happened.	<ul style="list-style-type: none">• Guide the interview by asking questions that will keep the person from becoming distracted and wandering from the point.• Stop the person and ask questions when necessary to clarify points.• Write down information in short statements, recording only the most important words.• If a statement is particularly important, quote the entire statement.
Ask additional questions.	<ul style="list-style-type: none">• Obtain detailed descriptions of property, suspects, etc.

Continued on next page

Notetaking Process During a Field Interview, Continued

Step Three: Verify information

For the investigative report to be reliable, the officer's field notes must be accurate. The following table identifies a number of guidelines for officers during step three of the process.

Actions	Guidelines
Review information with the person.	<ul style="list-style-type: none">• Repeat specific information to verify the information is accurate and complete.• Give the person an opportunity to add facts as necessary.
Ask for confirmation.	<ul style="list-style-type: none">• Have the person confirm important details such as:<ul style="list-style-type: none">- direct quotes,- time relationships,- information regarding weapons, or- physical descriptions.
Make modifications or corrections as necessary.	<ul style="list-style-type: none">• Information may have been initially recorded incorrectly because the officer:<ul style="list-style-type: none">- misunderstood something the interviewee said,- wrote something down incorrectly, or- the officer's wording may have incorrectly characterized the interviewee's statement.
Verify changes.	<ul style="list-style-type: none">• Once any changes have been made, the information that has been added or modified should be verified.

Opinions, Facts, and Conclusions

[18.02.EO3, 18.02.EO4, 18.02.EO5]

Introduction

An effective investigative report must be **factual**. It must present an **objective** accounting of the relevant facts related to the event or incident under investigation. An officer must be able to distinguish between opinion, fact, and conclusion.

Opinions, facts, and conclusions

The basis for determining relevant information requires peace officers to make the fine distinctions between an **opinion**, a **fact**, and a **conclusion**. The following table illustrates these distinctions.

	Description	Example
Opinion	<ul style="list-style-type: none">• A statement that:<ul style="list-style-type: none">- can be open to different interpretations,- expresses a belief not necessarily substantiated by proof.	The victim was in pain.
Fact	<ul style="list-style-type: none">• A statement that:<ul style="list-style-type: none">- can be verified or proven- has real, demonstrable existence.	The victim's arm was broken.
Conclusion	<ul style="list-style-type: none">• A statement that is based on the analysis of facts and opinions.• Conclusions should always be accompanied with the supporting facts and opinions. Conclusions presented without supporting information may be considered unwarranted.	The victim was not able to explain what had happened because she was in pain due to her broken arm.

Continued on next page

Opinions, Facts, and Conclusions, Continued

**Factual
but
irrelevant**

It is possible for information to be factual yet still not be relevant to the incident or event being investigated. The following table illustrates points that are all factual but may or may not be relevant in an investigative report.

Factual and Relevant	Factual but Irrelevant
The address of the incident/crime scene	The route followed to the scene of the incident/crime
A description of how the suspect was apprehended	The number of fences the officer had to jump while apprehending a suspect
Statements given by witnesses	Humorous comments given by bystanders

Continued on next page

Opinions, Facts, and Conclusions, Continued

Relevant and irrelevant information

The following are examples of relevant and irrelevant information.

Victim's Statement	Relevant Facts	Irrelevant Facts
"I just bought this bike from the guy down the street a couple of weeks ago. It wasn't new but it was in really good shape. After a long ride, I parked the bike in front of my building at the bottom of the stairs. I didn't bother locking it up or anything because I thought it would be safe there, you know."	The bike was left unlocked in front of the victim's residence.	I thought it was safe there.
"I went inside my apartment to fill my water bottle and was gone for less than 5 minutes."	The bike was left unattended for about 5 minutes.	The victim went into his apartment to fill his water bottle.
"When I came out, the bike was gone. I was really mad and started yelling and cursing. I looked up and down the street but didn't see anyone or any signs of my bike."	No suspect was seen or heard by the victim.	The victim yelled and cursed when he realized his bike was stolen.

Chapter Synopsis

Learning need Peace officers must recognize that the information gathered during their initial investigation in the field will become the foundation for their investigative reports.

Content of field notes [18.02.EO6] When determining what to include in their field notes, officers should consider the following.

- Field notes are the primary source of information for the investigative report.
 - Detailed field notes reduce the need to re-contact the involved parties.
 - Field notes are more reliable than an officer's memory.
 - Field notes can be used to defend the credibility of an investigative report.
-

Taking notes during an interview [18.02.EO2] The most effective way for officers to gather clear, accurate, and complete information while conducting an interview is to follow a systematic process.

Opinions, facts, and conclusions [18.02.EO3] An opinion is a statement that can be open to different interpretations and expresses a belief not necessarily substantiated by proof. A fact is a statement that can be verified or proven and has real, demonstrable existence. A conclusion is a statement that is based on the analysis of facts and opinions. Conclusions should always be accompanied with the supporting facts and opinions. Conclusions presented without supporting information may be considered unwarranted.

Workbook Learning Activities, Continued

Activity questions (continued)

Read the following scenario and then answer the following questions.

At 2245 hrs., you were called to a local supermarket where a man was caught by the store's night manager attempting to shoplift a bottle of vodka. The suspect struggled and tried to hit the night manager in an attempt to escape.

Upon arrival, you handcuffed the suspect and walked him to the patrol vehicle. All individuals involved declined your offer for medical assistance. You asked the store's night manager, Joe Smith, to tell you what happened. Appearing shaken he told you the following:

“Well... let me get it together now... OK officer... I'm the night manager here and I was in the back when one of the clerks, Ester over there, came over and said there was this guy over in aisle three that was just hanging out and looking kind of suspicious. So, I went over there just to see for myself, and this guy saw me looking at him, so he started moving toward the front of the store. Well, I thought his coat looked funny, you know, like he had something under it so I kind'a followed him until I caught up and tried to make conversation, you know, to get a better look. You gotta be careful, you know... don't want to offend any legitimate customer, you know. Well, he turned around and looked at me and then instead of stopping, he just bolted for the door. He took off so I took off and he must of slipped or something cause he dropped the bottle of vodka he'd tried to get away with. I kept after him, still in pretty good shape ya' know 'cause I work out, and grabbed the guy's jacket. Well he spun 'round and before I could get any kind of grip on the guy, he belted me! Caught me a good one right here under my eye... still bleeding some I guess... but I didn't let go and I got him down on the ground, stuck my knee in his back, and I guess one of the clerks had called 'cause that's when you guys got here. So what happens now? Nothin' like this has ever happened to me before, ya' know.”

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

3. Continuing the scenario from the previous page, begin step two of the notetaking process. Ask Mr. Smith to repeat his account of what happened. Assuming his account remains the same, write your notes below.

4. What additional questions would you like to ask Mr. Smith?

Continued on next page

Workbook Learning Activities, Continued

Activity questions
(continued)

5. After you finished interviewing Mr. Smith, you talked to the suspect. You read him his Miranda rights, and he acknowledged he understood and waived them. He told you the following:

“I didn’t do nothing man! This guy just jumps me! I mean I just went in there to get some booze, ya know, cause I’m going to this party over at my buddies and I wanted to take something with me and this dude starts giving me a hard time and starts chasing me down the aisle. I wasn’t doing anything. I was goin’ to pay for the stuff, ya know, but the guy, he just started yelling so he’s the one that chased me out, ya know. Then the dude grabs my jacket so I swung at the guy. It was self-defense, man! I gotta right to defend myself, ya know!

Assuming his account remains the same when you ask him to repeat it, write your notes below.

6. What additional questions would you like to ask the suspect?

Continued on next page

Workbook Learning Activities, Continued

Activity questions
(continued)

7. Look back at the statements given by Mr. Smith and the suspect. In the following table note the facts, opinions, and conclusions that are provided.

Opinions	Facts	Conclusions

Continued on next page

Workbook Learning Activities, Continued

Additional practice

Taking complete and accurate field notes is a skill that requires practice and experience. During classroom discussions and activities, officers will have additional opportunities to practice taking field notes related to arrest situations and criminal investigations.

Workbook Corrections

Suggested corrections to this workbook can be made by going to the POST website at: www.post.ca.gov

Workbook Corrections, Continued

Student notes

Chapter 3

Fundamental Content Elements of Investigative Reports

Overview

Learning need Peace officers must recognize in order for an investigative report to be of use in the judicial process, the report must be well organized and include facts needed to establish that a crime has been committed and all actions taken by officers were appropriate.

Learning objectives The table below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to...	E.O. Code
<ul style="list-style-type: none">• summarize the primary questions that must be answered by an investigative report.	18.03.EO3
<ul style="list-style-type: none">• identify the fundamental content elements in investigative reports including:<ul style="list-style-type: none">- initial information,- identification of the crime,- identification of involved parties,- victim/witness statements,- crime scene specifics,- property information, and- officer actions.	18.03.EO4 18.03.EO5 18.03.EO6 18.03.EO7 18.03.EO8 18.03.EO9 18.03.EO10

Continued on next page

Overview, Continued

In this chapter This chapter focuses on the content elements in effective investigative reports. Refer to the following table for specific topics.

Topic	See Page
Questions Answered by an Effective Investigative Report	3-3
Fundamental Content Elements	3-9
Chapter Synopsis	3-15
Workbook Learning Activities	3-17

Questions Answered by an Effective Investigative Report

[18.03.EO3]

Introduction

No matter how an investigative report is organized, it must be factual, accurate, clear, concise, complete, and timely (FACCCT). It must provide prosecutors, investigators, and other participants in the judicial process with the accuracy of the information needed to do their jobs.

Investigative report formats

An investigating officer communicates with the other participants in the judicial process through that officer's written investigative report. The adequacy of that communication is dependent on the officer's ability to logically organize events and clearly state the relevant facts related to the incident.

Agency policy

Each agency has its own policies regarding formats and forms officers must use when writing investigative reports. It is the responsibility of each officer to be familiar with and comply with their agency's requirements.

Community policing

Police reports have a variety of users in the community. Prosecutors, judges, insurance agencies, and attorneys all rely on police reports to ensure a fair and just outcome. A well-written report can be a significant tool in providing justice for victims. Police reports are useful in prosecutions, in defense against wrongful accusations, as a permanent history in long-term investigations, and in holding peace officers accountable when they are involved in the incident. The peace officer is the "eyes and ears" of the event. A good report will greatly increase the effectiveness of everyone involved.

Continued on next page

Questions Answered by an Effective Investigative Report,

Continued

Primary questions

The users of an officer's investigative report should be able to locate the answers to six primary questions within the body of the report. These questions are noted below.

- What?
- When?
- Where?
- Who?
- How?
- Why?

If an officer is not able to answer a question, the report should provide as much information as possible. This information may prove vital for investigators assigned to the case.

Supporting facts and information

The information that answers each question will vary depending on the details of the specific incident or crime.

NOTE: The following table is not intended to be all inclusive. Specific crimes will require certain information that should be noted by the investigating officer in the report.

Continued on next page

Questions Answered by an Effective Investigative Report,

Continued

Supporting facts and information
(continued)

The following table presents examples of the specific facts and information that can be included in the body of the report to help answer each question.

	Supporting Facts/Information
What...	<ul style="list-style-type: none"> • was the crime that was committed? • are the elements of the crime? • were the actions of the suspect before and after the crime? • actually happened? • do the witnesses know about it? • evidence was obtained? • was done with the evidence? • weapons were used? • action did the officers take? • further action should be taken? • knowledge, skill or strength was needed to commit the crime? • other agencies were notified? • other agencies need to be notified?
When...	<ul style="list-style-type: none"> • was the crime committed? • was it discovered? • were the authorities notified? • did they arrive at the scene? • was the victim last seen alive? • did officers arrive? • was any arrest made? • did witnesses hear anything unusual? • did the suspect decide to commit the crime?

Continued on next page

Questions Answered by an Effective Investigative Report, Continued

Supporting facts and information
(continued)

	Supporting Facts/Information
Where...	<ul style="list-style-type: none"> • was the crime committed? • was the crime discovered? • was entry made? • was the exit? • was the weapon obtained that was used to commit the crime? • was the victim found? • was the suspect seen during the crime? • was the suspect last seen? • were the witnesses during the crime? • did the suspect live? • does the suspect currently live? • is the suspect now? • would the suspect likely go? • was the evidence found? • was the evidence stored?

When noting locations, officers should include:

- the exact address including:
 - wing,
 - housing unit,
 - floor of the building, etc., and
- identification of the area (e.g., business, apartment complex, private residence, vehicle.)

Continued on next page

Questions Answered by an Effective Investigative Report,

Continued

Supporting facts and information
(continued)

	Supporting Facts/Information
Who...	<ul style="list-style-type: none"> • are the involved parties in the incident? (i.e., victim(s), witness(es), suspect(s)) • were the participating officers? • was the complainant? • discovered the crime? • saw or heard anything of importance? • had a motive for committing the crime? • committed the crime? • had the means to commit the crime? • had access to the crime scene? • searched for, identified and gathered evidence? <p>Also with whom...</p> <ul style="list-style-type: none"> • did the victim associate? • did the suspect associate? • was the victim last seen? • do the witnesses associate? • did the suspect commit the crime?

When noting information regarding specific people, officers should include that person's full name, including middle name or initial. The correct spelling of each name should be confirmed by the officer as well.

Continued on next page

Questions Answered by an Effective Investigative Report,

Continued

Supporting facts and information
(continued)

Additional information regarding specific people can include, but not be limited to:

- phone numbers (home, cellular and work),
- addresses (home, work, and email),
- age and date of birth,
- social security number,
- occupations, and
- physical descriptions as required.

	Supporting Facts/Information
How...	<ul style="list-style-type: none"> • was the crime committed? (e.g., force, violence, threats, etc.) • did the suspect leave the scene? (e.g., on foot, by car, etc.) • did the suspect obtain the information necessary to commit the crime? • was the crime discovered? • was entry made? (e.g., smashing, breaking, key, etc.) • was the weapon/tool for the crime obtained? • was the weapon/tool used? • was the arrest made? • much damage was done?
Why... (if known)	<ul style="list-style-type: none"> • was the crime committed? • was a certain weapon/tool used? • was the crime reported? • was the crime reported late? • were witnesses reluctant to give information? • is the suspect lying? • did the suspect commit the crime when she/he did? • did the suspect commit the crime where she/he did?

Fundamental Content Elements

[18.03.EO4, 18.03.EO5, 18.03.EO6, 18.03.EO7, 18.03.EO8, 18.03.EO9, 18.03.EO10]

Introduction

Every incident is different and different crimes require different information. On the other hand, certain content elements remain constant regardless of the crime or the formats used to present the information.

Fundamental content elements

The following table identifies the fundamental content elements that are common within all investigative reports.

An effective investigative report contains...	
initial information...	<ul style="list-style-type: none">establishing how the officer(s) became involved with the specific incident and additional background information.
identification of the crime...	<ul style="list-style-type: none">including the facts that are necessary to show that the specific crime has taken place.
identification of the involved parties...	<ul style="list-style-type: none">such as the reporting person(s), victim(s), witness(es), or suspect(s).
witness/victim statements...	<ul style="list-style-type: none">noting the details of the events the involved parties observed or experienced.
crime scene specifics...	<ul style="list-style-type: none">necessary to accurately reestablish the scene and events of the crime.
property information...	<ul style="list-style-type: none">including descriptions and details pertaining to stolen items as well as physical evidence.
officer actions...	<ul style="list-style-type: none">including descriptions of all actions taken by peace officers that are related to the incident.

NOTE: The order in which information is presented in an investigative report is dependent upon the format used and agency policy.

Continued on next page

Fundamental Content Elements, Continued

Initial information

Each investigative report should describe the manner in which the peace officers learned of the incident. The initial information should also describe the officer's immediate observations and any actions they took upon arrival at the scene.

Content elements specific to the initial information may include, but are not limited to:

- the name(s) and badge number(s) of the responding officer(s),
 - how the officer(s) learned of the incident (e.g., radio dispatch),
 - the exact date and time the officer(s) arrived,
 - the exact location, and
 - details regarding the officer(s) own observations of who was where and what was happening upon arrival.
-

Identification of the crime

The facts which are the evidence of a crime are referred to as the **corpus delicti**, or *the body of the crime*.

Specific crimes have their own required crime elements. Investigative reports must clearly identify these facts in order to establish that a crime has occurred.

Crime identification information within the body of the investigative report must clearly state the:

- common name of the crime,
- statutory code reference number for the crime (i.e., Penal Code, Health & Welfare Code, etc.), and
- existence of each of the required crime elements necessary for the crime to be complete.

NOTE: Additional information regarding the crime elements for specific crimes is included in the supplementary materials at the end of this workbook.

Continued on next page

Fundamental Content Elements, Continued

Identification of involved parties

The involved parties of a crime can include the person who reported the incident, victim(s), witness(es), or suspect(s). Officers should take care to collect complete and accurate information that clearly identifies each as well as providing a means of further contacts if necessary.

Specific information regarding the involved parties should include, but is not limited to:

- full names,
- sex, ethnic origin,
- date of birth (DOB),
- home address,
- home phone, cellular phone,
- workplace, school or email addresses,
- workplace or school phone,
- their role in the incident (i.e., reporting party, witness, etc.), and
- the reporting party's relationship with other involved parties.

Continued on next page

Fundamental Content Elements, Continued

Witness/ victim statements

Statements of the involved parties (i.e., witnesses, victims) help place events in their proper sequence and establish the elements of the crime. Along with the person's statements, officers should note:

- location/proximity of the person to the event,
- circumstances and actions observed or experienced,
- complete and detailed descriptions, (e.g., items stolen, distinguishing features, injuries sustained, etc.) and
- information regarding suspect(s). (e.g., name, aliases, identifying marks, relationship to the victim, etc.)

If the reporting officers use a person's exact words within a report, quotation marks and the word *said* followed by a comma should be used to introduce the speaker's words.

Example: Smith said, "I don't know. I'd really have to take a closer look. I'm just not sure if that's all that was taken."

If the reporting officer paraphrases what the speaker said, quotation marks are not used.

Example: Smith said she was not sure if anything else was taken.

Continued on next page

Fundamental Content Elements, Continued

Crime scene specifics

The users of any investigative report should be able to clearly understand and accurately visualize the scene of the crime as well as the events that took place.

Investigative reports should include, but not be limited to, identification and description of:

- the physical condition of the scene itself,
- the chronology of events,
- location of physical evidence, and
- all information supporting the existence of the elements of the crime. (e.g., the point of entry, the location of key objects)

NOTE: Investigative points to be noted can vary based on the specific crime that is being reported.

Property information

Any item pertaining to the crime must be identified clearly and described within the investigative report. Such items may include stolen or damaged property as well as physical evidence.

Information should include, but not be limited to:

- brand names,
 - model/serial numbers,
 - description (including color, unique markings, dimensions, etc.),
 - value of stolen item,
 - identification of the owner/possessor/finder,
 - location where found (or stolen from),
 - relationship of the item to the crime/incident, and
 - physical evidence, including methods of collection and preservation.
-

Continued on next page

Fundamental Content Elements, Continued

Officer actions

An investigative report is not complete unless it clearly identifies all actions taken by the officer or officers.

Officer actions to be noted can include, but not be limited to:

- stops made,
 - searches conducted,
 - seizures of evidence,
 - arrests made,
 - standard procedures followed (e.g., knock and notice, field showups, etc.),
 - Miranda admonishments,
 - use of force,
 - medical attention (offered, accepted, or refused),
 - safety measures taken,
 - disposition of suspects, or
 - methods used to preserve evidence or capture essential information.
-

Information in support of officer actions

Complete and accurate descriptions of an officer's actions should also include the officer's reasons or justifications for taking those actions. This can include, but is not limited to the:

- exigent circumstances that led the officer to act (i.e., enter without permission, use force, etc.),
 - basis for an officer's reasonable suspicion to conduct a cursory/frisk search for weapons,
 - probable cause to conduct any other authorized searches,
 - probable cause to seize evidence,
 - probable cause leading to an arrest, and/or
 - detailed information describing acts or conditions that justify the level of force used to gain or maintain control.
-

Chapter Synopsis

Learning need	Peace officers must recognize in order for an investigative report to be of use in the judicial process, the report must be well organized and include facts needed to establish that a crime has been committed and all actions taken by officers were appropriate.
Primary questions to be answered [18.03.EO3]	The users of an officer's investigative report should be able to locate the answers to six primary questions within the body of the report.
Initial information [18.03.EO4]	Establishing how the officer(s) became involved with the specific incident and additional background information.
Identification of the crime [18.03.EO5]	Including the facts that are necessary to show that the specific crime has taken place.
Identification of the involved parties [18.03.EO6]	Such as the reporting person(s), victim(s), witness(es), or suspect(s).
Witness/victim statements [18.03.EO7]	Noting the details of the events the involved parties observed or experienced.
Crime scene specifics [18.03.EO8]	Necessary to accurately visualize the scene as well as events that took place.

Continued on next page

Chapter Synopsis, Continued

**Property
information**
[18.03.EO9]

Including descriptions and details pertaining to stolen items as well as physical evidence.

**Officer
actions**
[18.03.EO10]

Including descriptions of all actions taken by peace officers that are related to the incident.

Workbook Learning Activities

Introduction

To help you review and apply the material covered in this chapter, a selection of learning activities has been included. No answers are provided. However, by referring to the appropriate text, you should be able to prepare a response.

Activity questions

1. List reasons why it is important to fully document within the report the officer's reasons or rationales for taking specific actions. Describe the possible effects on an investigation, the officer, and the officer's department if this information is not included.

Continued on next page

Workbook Learning Activities, Continued

Activity questions (continued)

2. In order for the crime of vandalism (*Penal Code Section 594*) to be complete, the necessary crime elements include:
- an act of a person or persons
 - with malicious intent
 - to deface, damage, or destroy with graffiti or other inscribed material
 - personal or real property
 - not their own.

The following statement is an excerpt from an investigative report. Has the writer noted sufficient information to establish that the crime of vandalism has been committed? Underline the information that supports the existence of each element of the crime. If an element is not present, identify the information that is missing.

...As my partner and I approached the scene, we could see the spray painted markings on the windshield of a blue Ford Taurus, CA license number 12345, which was parked in the street in front of 9876 Rose Lane. The owner of the Taurus, Clyde Smith, who lived at 9876 Rose Lane came out of the house carrying two empty cans of spray paint that he found in the gutter three houses down, at 9870 Rose Lane...

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

3. You are an officer who has responded to a call involving a home burglary. The homeowner tells you that her son's computer, the family's television, and three pieces of her jewelry were taken. List questions you can ask the homeowner that will aid you in describing the stolen property later in your report.

Continued on next page

Workbook Learning Activities, Continued

Activity questions
(continued)

4. Without looking back in the chapter, list the seven fundamental content elements of an investigative report. Give a reason why each element should be included when possible. Provide examples of the type of information that could be included within each element.

Content Element	Reason for Importance	Type of Information Included

Continued on next page

Workbook Learning Activities, Continued

Activity questions
(continued)

5. Assume that you are a supervisor and have received the following narrative from an investigative report. Based on the information given, you will be required to decide on the next action that should be taken.

On 01-5-08 at 1600 hours my partner and I were called to the scene of a residential burglary. The home owner, Alice Smith, met us as we arrived and gave the following information.

Smith left for work today at 0630 hours, locking all doors and windows. She returned home for lunch at 1130 hours and discovered the front door had been kicked in and was left standing open. She entered her home but found nobody inside. She discovered her TV and VCR were missing along with a home computer. Smith said that the only other items disturbed in the house were several books that had been knocked off a shelf in the office. Smith will attempt to locate serial numbers for the TV, VCR, and computer and forward that information to us.

Smith did not see anyone around her home, but did observe a blond male driving a red car. The driver was turning off her street, when she came home. Smith did not recognize the person and had not seen the vehicle in the area before. She could not provide any additional descriptions of the driver or vehicle.

Continued on next page

Workbook Learning Activities, Continued

Activity questions
(continued)

5. (continued) Complete the following table with the information provided in the report. Note any information that you feel is missing or that is unclear or confusing.

	Facts/Information Included	Missing/Confusing Information
What?		
When?		
Where?		
Who?		
How?		
Why?		

Continued on next page

Workbook Learning Activities, Continued

Additional classroom activities

As part of the classroom activities, students will have the opportunity to practice their investigative report writing skills after viewing a series of video scenarios depicting possible criminal activities. Classroom instructors will evaluate each student's work and provide individual feedback.

Continued on next page

Workbook Learning Activities, Continued

Student notes

Chapter 4

Investigative Report Writing Mechanics

Overview

Learning need Peace officers must recognize that an effective report must exhibit the writer's command of the language and be relatively free of errors in sentence structure, grammar, and other writing mechanics.

Learning objectives The table below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to:	E.O. Code
<ul style="list-style-type: none">• apply guidelines for recommended grammar used in investigative reports including use of:<ul style="list-style-type: none">- proper nouns,- first person pronouns,- third person pronouns,- past tense, and- active voice.	18.04.EO1 18.04.EO2 18.04.EO3 18.04.EO4 18.04.EO5
<ul style="list-style-type: none">• organize information within a paragraph for clarity and proper emphasis.	18.04.EO6
<ul style="list-style-type: none">• select language that will clearly convey information to the reader of the investigative report.	18.04.EO7

Continued on next page

Overview, Continued

Learning objectives
(continued)

After completing study of this chapter, the student will be able to:	E.O. Code
<ul style="list-style-type: none">distinguish between commonly used words that sound alike but have different meanings.	18.04.EO8
<ul style="list-style-type: none">proofread for content and mechanical errors, including:<ul style="list-style-type: none">- Spelling- Punctuation- Grammar- Word choice- Syntax	18.04.EO9

In this chapter

This chapter focuses on common report writing conventions. Refer to the following table for specific topics.

Topic	See Page
Recommended Grammar for Investigative Reports	4-3
Writing Clearly and Precisely	4-9
Proofreading	4-21
Chapter Synopsis	4-23
Workbook Learning Activities	4-25

Recommended Grammar for Investigative Reports

[18.04.EO1, 18.04.EO2, 18.04.EO3, 18.04.EO4, 18.04.EO5]

Introduction

Grammar may be defined as the rules and guidelines used by writers to make their message clear and understandable to the reader. There are a large number of grammatical guidelines in the English language and peace officers should be aware of them when writing investigative reports.

Proper nouns

A **noun** is a naming word. It can be used to identify people, places, or things. **Proper nouns** name **specific** persons, places or things and always begin with a capital letter.

When referring to a specific person within a report, officers should use proper nouns (Tom Smith, Alice Jones) to clearly convey to the reader whom they are writing about. After the full name has been used once, just the last name may be used when referring to the same person. (Smith, Jones)

Example: Tom Smith said he saw the woman leap from the deck and run across the yard. Smith went on to describe the woman as...

Continued on next page

Recommended Grammar for Investigative Reports,

Continued

Pronouns

A **pronoun** is a word that substitutes for a noun or a proper noun. There are two types of pronouns of which writers of investigative reports should be aware.

Pronoun	Use when referring to the:	Examples of Pronouns	Examples of Use
First person	person writing the report.	<ul style="list-style-type: none">• I/My/Mine/Me• We/Our/Ours/Us	<ul style="list-style-type: none">• I told my partner...• Our vehicle was...
Third person	person, place, or thing being written about.	<ul style="list-style-type: none">• He/His/Him• She/Hers/Her• It/Its• They/Their/Theirs/Them	<ul style="list-style-type: none">• He said that it was ...• She told her sister...• It was no longer present...• Their father was ...

NOTE: First person pronouns can also be used within quotes to refer to the person speaking. (e.g., Wilson said, “*I ran as fast as I could.*”)

Continued on next page

Recommended Grammar for Investigative Reports,

Continued

First person pronouns

When writing investigative reports, officers should use **first person pronouns** when referring to themselves. By doing so, the reader has a clear understanding of what the officer actually did, observed, experienced, etc.

Referring to themselves as “the reporting officer” or “the writer of this report” or using third person pronouns can be needlessly awkward and lead to confusion as to who was actually doing what.

Example: My partner and I spoke with the witness about what they saw and heard during the fight.

Continued on next page

Recommended Grammar for Investigative Reports,

Continued

Third person pronouns

When a **third person pronoun** is used within an investigative report, it must clearly refer to or agree with the noun or proper noun that is directly before it.

Alone, third person pronouns lack any specific meaning. It must be clear to the reader, exactly who, what, or where the pronoun is referring to.

The following table illustrates how the use of third person pronouns can lead to confusion within a report if not properly placed.

Confusing	Clear
Jones saw the man's car crash into the tree. He immediately reported the accident.	Jones saw the man's car crash into the tree. Jones immediately reported the accident.
Smith told his neighbor to get rid of the junk car he kept in front of his house.	Smith told his neighbor to get rid of the junk car the neighbor kept in front of his house.
After McFay gave her daughter the gun, she began to worry.	McFay began to worry after she gave the gun to her daughter.

NOTE: To avoid confusion, it may be preferable to repeat the proper name rather than use a third person pronoun

Continued on next page

Recommended Grammar for Investigative Reports,

Continued

Past tense

Since most investigative reports are written about things that have already happened, the words that are used should clearly indicate the events have already taken place.

Verbs are words or groups of words which express action. A **verb's tense** refers to the time the action took place. A **past tense** verb expresses an action completed in the past. A **present tense** verb expresses an action currently taking place.

The following table illustrates some examples of present and past tense verbs.

Present Tense	Past Tense
He says his wife did kick him...	He said his wife kicked him...
I then have Officer Baker . . .	I then had Officer Baker...
She states her husband...	She stated her husband...
On 04-06-98 at 0735 hours I respond to a call...	On 04-06-98 at 0735 hours I responded to a call...
The suspect arrives at the scene...	The suspect arrived at the scene...

Continued on next page

Recommended Grammar for Investigative Reports,

Continued

Active voice

The word “voice,” when used to describe a type of verb, refers to whether the verb is active or passive.

A verb is in the **active voice** when the subject of the sentence is the individual or thing that is actually doing or performing the action. A verb is in the **passive voice** when the subject of the sentence is someone or something other than the doer or performer of the action.

Officers writing investigative reports should use verbs in the active voice rather than the passive voice. Most readers find sentences written in the active voice easier to follow and understand.

The following table illustrates differences between using a passive or active voice in an investigative report.

Passive Voice	Active Voice
The victim was given the report form by me.	I gave the report form to the victim.
The seminar was attended by law enforcement personnel.	Law enforcement personnel attended the seminar.
The witness was talked to by me.	I talked to the witness.
The suspect was patted down for weapons by my partner.	My partner patted down the suspect for weapons.
The driver was asked for his driver’s license by me.	I asked the driver for his driver’s license.

NOTE: The subject of the sentence does not have to be a person. It can also be a place or thing.

NOTE: A common indicator of passive voice is the word “by” in the sentence.

Writing Clearly and Precisely

[18.04.EO6, 18.04.EO7, 18.04.EO8]

Introduction

Effective investigative reports must present all relevant information simply, or logically. They must be written in plain English in order to be useful for the reader.

Paragraph organization

Paragraphs are the structural units for grouping information. No matter which format is used for the investigative report (narrative or category), all paragraphs within the report must be clear and easy to understand.

When writing an investigative report, the first sentence (lead-in sentence) of each paragraph should clearly state the *primary topic or subject of the paragraph*. The sentences that follow within the paragraph should present facts, ideas, reasons, or examples that are directly related to that primary topic.

The following table presents examples of poorly organized and well organized paragraphs.

Poorly Organized	Well Organized
When we arrived, the husband let us into the house. We were responding to a 9-1-1 call. My partner and I had been dispatched to an incident of domestic violence. A woman called for help to keep her husband from beating her.	My partner and I were dispatched to a domestic violence incident after a woman dialed 9-1-1. The woman called for help because she was afraid her husband would beat her. When we arrived, the husband let us into the house.

Continued on next page

Writing Clearly and Precisely, Continued

Paragraph organization (continued)

Poorly Organized	Well Organized
Marie Parker said her husband refused to answer the door at first when he heard the man on the other side begin to shout. I took her statement approximately 45 minutes after the assault took place. She was sitting in the family room when her husband went to see who was at the door.	I took Marie Parker's statement approximately 45 minutes after the assault took place. Parker said she was sitting in the family room when her husband went to see who was at the door. Initially her husband refused to answer the door when he heard the man on the other side begin to shout.

Transitional words

Transitions are words or phrases that show relationships between thoughts, sentences, or paragraphs. By selecting appropriate transitional words, officers can help readers move smoothly and logically from detail to detail and sentence to sentence within the investigative report.

The following table suggests only a few of the possible transitional words and phrases officers may use within their reports.

Type of Transition	Words/Phrases	Examples
Time	<ul style="list-style-type: none"> • Immediately • In the meantime • At the same time • When • Before • Prior to 	<p>Caster said he noticed the door was not completely shut, so he decided to find out why.</p> <p>Immediately after entering the room, he saw the window was broken.</p>

Continued on next page

Writing Clearly and Precisely, Continued

Transitional words (continued)

Type of Transition	Words/Phrases	Examples
Place	<ul style="list-style-type: none">• Near• Beyond• Next to• Under• Behind• Around	Caster said he saw broken glass on the floor under the window. Near the glass, he saw a large brick.
Order	<ul style="list-style-type: none">• Finally• In addition• Lastly• First• Then• Further	In addition, Caster saw his laptop computer was not on the desk where he left it the night before.

Concrete vs abstract words

Officers who are writing investigative reports should select simple, common, concrete language whenever possible. The use of simple language can help keep reports concise and brief, addressing relevant information quickly and clearly.

Words that are used to make an investigative report sound eloquent or scholarly may actually serve to make the report wordy, vague and less effective. Inflated language is never appropriate and officers should resist the temptation to impress their readers.

Continued on next page

Writing Clearly and Precisely, Continued

Concrete vs abstract words (continued)

The following table presents examples of abstract words along with more concrete alternatives.

Abstract Words	Concrete Words
• a number of	• seven
• at a high rate of speed	• 75 MPH
• appeared intoxicated	• breath smelled of an alcoholic beverage
• hostile behavior	• repeatedly struck the officer
• physical confrontation	• fight
• verbal altercation	• argument
• extensive record	• six DUI offenses over two years
• employed	• used
• dispute	• argument
• inquired	• asked
• in the vicinity of	• near
• articulated	• said, told
• hit	• punched, slapped, or clubbed

Continued on next page

Writing Clearly and Precisely, Continued

Words that sound alike

Officers should take care to use the correct word for what they are trying to say when writing investigative reports.

There are a number of frequently used words that sound alike but have completely different spellings and meanings. The following table identifies the most commonly confused sound-alike words.

Words	Definitions	Examples
Accept	To take with approval or agree to	I accepted the medal with pride.
Except	To omit or exclude; preposition meaning 'but'	We did everything <i>except</i> interview the witness.
Access	An approach, admittance, or route	There is an access road running east to west in front of the drug store.
Excess	Surplus; an amount greater than wanted	The amount of cocaine found was in excess of what had initially been reported.
Advice	Worthy suggestion or information; noun	My sergeant gave me advice on how to handle the situation.
Advise	To give suggestions, data, or counsel; verb	My sergeant advised me on how to handle the situation.

Continued on next page

Writing Clearly and Precisely, Continued

Words
that
sound
alike
(continued)

Words	Definitions	Examples
Affect	To act upon or produce change or influence; verb	The suspect was affected by the pepper spray.
Effect	Result of cause; belongings; noun	Dilated pupils are a physical effect of the drug. The coroner removed the personal effects from the victim.
Allude	Make reference to	The witness alluded to the suspect's collection of guns.
Elude	Escape or evade	The suspect eluded arrest by going into a store.
Assure	To offer assurances	The officer assured the victim that the batterer would be jailed.
Ensure	To make secure or certain	The officer ensured the suspect was correctly handcuffed.
Insure	To make secure or certain (as with ensure); or to guarantee life or property against risk.	The man insured his house against fires and floods.

Continued on next page

Writing Clearly and Precisely, Continued

Words
that
sound
alike
(continued)

Words	Definitions	Examples
Brake	To stop a vehicle	Her car's brakes failed, and she ran into the truck in front of her.
Break	To burglarize a home or other structure; forcibly entering or exiting a house; to damage	The officer watched the suspect break into the store.
Cite	Refer to an official document or rule as proof; verb	The district attorney cited the Penal Code.
Site	Place or setting of an event; noun	The officers returned to the site of the crime to gather more evidence.
Sight	Ability to see	The contraband lay on the table in plain sight .
Elicit	To draw out or forth; evoke	The officer was able to elicit a confession from the suspect.
Illicit	Something not permitted by law.	The suspect had committed a lewd and illicit act.
Formally	Something done ceremoniously or in a regular, methodical fashion	The suspect was formally indicted for the crime.
Formerly	Something that happened in the past	He was formerly a firefighter.

Continued on next page

Writing Clearly and Precisely, Continued

Words
that
sound
alike
(continued)

Words	Definitions	Examples
Hear	To perceive sound	The officers could hear the argument through the door.
Here	Place or location	I asked the victim to come here and answer some questions.
Its	Adjective showing possession	The car lost its rear tire after striking the pot hole in the road.
It's	Short form of 'it is' or 'it has'	It's been six years since the suspect contacted his brother.
Know	To be cognizant of or be acquainted with	The victim claimed that she did not know the suspect.
No	Negative	The suspect shouted, " No. "
Pain	Strong sense of hurt	The victim screamed in pain after being shot.
Pane	Window glass set in a frame	The burglar had broken the pane to gain access to the house.

Continued on next page

Writing Clearly and Precisely, Continued

Words
that
sound
alike
(continued)

Words	Definitions	Examples
Passed	To move forward or around; to circulate	As we pursued the suspect, we passed four other vehicles on the highway.
Past	History; ended or accomplished; beyond	The suspect had a number of past convictions.
Personal	Belonging to someone	The victim's personal property was put in a bag.
Personnel	Company's employees	The department had a personnel meeting.
Precede	To go before in time, place, or rank	The burglary preceded the rape.
Proceed	To advance, go toward	The burglar then proceeded to the bedroom.
Pride	Self-esteem	The officer took great pride in his work.
Pried	To raise, move, or force with a lever (past tense of pry)	The burglar pried the window open with a screwdriver in order to enter the building.

Continued on next page

Writing Clearly and Precisely, Continued

Words
that
sound
alike
(continued)

Words	Definitions	Examples
Principal	Chief official; chief actor or perpetrator present at time of crime	Manuel Ortega was the principal person in the robbery of the bank.
Principle	Rule of conduct; law of nature or scientific fact	Peace officers are expected to uphold high moral principles .
Quiet	Still or silent	When we arrived at the dispute, the house was quiet .
Quite	To a great degree, completely	The suspect was quite agitated and began swearing.
Scene	Location of an event	The officers secured the crime scene .
Seen	Past tense of “to see” (sight)	The suspect was seen driving a green car.
Steal	To take without any right	Robbery and theft are forms of stealing .
Steel	Strong alloy of iron	The pipe was made of steel .
Than	Introduces comparative clauses	The suspect was taller than me.
Then	Designates time (next)	The suspects then fled from the bank on foot.

Continued on next page

Writing Clearly and Precisely, Continued

Words
that
sound
alike
(continued)

Words	Definitions	Examples
There	At or in that place; to, toward, or into that place	Morez went there after she talked with the officer.
Their	Possession of them, by them	The brothers went by their home on <i>their</i> way to the corner.
They're	Short form of 'they are'	The woman said, " They're going to shoot him."
Threw	Past tense of "throw"	She threw the vase at her husband.
Through	Motion from side to side or end to end within something	The suspect ran through the mall to evade arrest.
To	Movement toward a place, person, or thing	The victim stated he was going to the grocery store when he was stopped.
Too	Also, besides, in excessive degree	The reporting party stated that the noise was too loud for her to hear the person talking.
Two	The number two (2)	The building had two entrances.

Continued on next page

Writing Clearly and Precisely, Continued

Words
that
sound
alike
(continued)

Words	Definitions	Examples
Waist	Part of the body between the ribs and the hips	The suspect grabbed the victim around the waist and wrestled her to the ground.
Waste	To consume, weaken, or squander	She wasted water by washing her car twice every day.
Weak	Not strong	His use of heroin left him very weak .
Week	Seven days' duration	The suspect stalked his victim for three weeks .
Your	Belongs to a specific you or a specific person	Young heard Johnson say, " Your dog is on my property again."
You're	Short form of 'you are'	The officer said you're under arrest.
Wave	To signal	She waved to her neighbor.
Waive	To surrender or relinquish	She waived her Miranda rights.

Continued on next page

Proofreading

[18.04.EO9]

Introduction

Proofreading may seem time-consuming to both experienced and inexperienced writers. In the case of investigative reports where accuracy, clarity, and completeness are essential, proofreading is critical.

Proofreading content

As noted in chapter one of this workbook, the content of an investigative report must be factual, accurate, clear, concise, complete, and timely (FACCCT).

When proofreading reports, officers should ask themselves:

- is the correct crime(s) cited in the report?
 - are all the elements appropriately articulated?
 - are the facts correct (based on the officer's field notes)?
 - is the report well organized?
 - is all necessary information included?
 - is the information in the proper order?
 - are things said efficiently, or are statements too wordy?
 - are all conclusions supported by facts?
 - are there any gaps in logic?
 - are the names spelled correctly?
-

Continued on next page

Proofreading, Continued

Proofreading mechanics

A report's effectiveness and an officer's credibility can be damaged by a report with too many mechanical errors. When proofreading the reports they have written, officers should look for:

- inappropriate use of the parts of speech (e.g., use of nouns, pronouns verbs, etc.),
- language that may be vague or confusing,
- incorrect or inappropriate use of words,
- spelling errors,
- inappropriate punctuation, and
- incorrect use of law enforcement abbreviations.

NOTE: Additional information is provided in the supplementary materials portion of this workbook.

Reading aloud

Slowly reading a completed report aloud is one of the most effective methods for proofreading the content and mechanics of any document. When sentences are heard, it may be easier for the writer to identify obstacles such as:

- mechanical errors,
 - gaps in logical flow,
 - skewed time sequences,
 - incorrect verb tenses,
 - cumbersome phrasing, etc.
-

Chapter Synopsis

Learning need Peace officers must recognize that an effective report must exhibit the writer’s command of the language and be relatively free of errors in sentence structure, grammar, and other writing mechanics.

Proper nouns
[18.04.EO1] Persons should be referred to by their proper names to avoid confusion. Once the full name has been used once, the last name may be used when referring to the same person.

First person pronouns
[18.04.EO2] Officers should refer to themselves in the first person (i.e., “I,” “we,” etc.). Use of a person’s name or a third person pronoun is appropriate when referring to another person.

Third person pronouns
[18.04.EO3] When a third person pronoun is used, it must clearly refer to or agree with the noun or proper noun that is directly before it.

Past tense
[18.04.EO4] Past tense verbs should be used to clearly indicate that events have already taken place.

Active voice
[18.04.EO5] The active voice should be used to ensure the information presented is direct, brief, and clearly establishes the actions of the sentence.

Paragraph organization
[18.04.EO6] When writing an investigative report, the first sentence (a lead-in sentence) of each paragraph should clearly state the primary topic of the paragraph.

Continued on next page

Chapter Synopsis, Continued

**Concrete
language**
[18.04.E07]

Officers should select simple, concrete language that readers clearly understand.

**Words
that
sound
alike**
[18.04.E08]

Officers should not confuse words that sound alike but have differing meanings and spellings.

Proofreading
[18.04.E09]

There are two relatively distinct tasks involved when officers proofread their investigative reports.

Workbook Learning Activities

Introduction

To help you review and apply the material covered in this chapter, a selection of learning activities has been included. No answers are provided. However, by referring to the appropriate text, you should be able to prepare a response.

Activity questions

1. You have just been handed the following narrative from an officer's investigative report. The officer who wrote the report has also asked you to suggest other revisions that would improve the quality and effectiveness of the report. List the recommendations you would make. Identify any specific errors within the report.

On 5-31-99 I was dispatched at 1153 hrs. to 33 "A" Street for a reported theft. I arrived at the address at approx. 1156 hrs. As I got out of my car I could see Mr. Jones waiting on the porch of his apartment waiting for me. As I walked towards Jones I asked him if he was the one who called in the report. He said yes. I asked Jones to tell me what happened. Jones told me he parked his mtn. bike against the stairs of his apartment while he ran into his apartment to fill his water bottle. Jones said he was inside for no more than 5 minutes. When he came out his bike was gone. Jones then gave me a complete description of his bike. I asked his neighbor if she saw anything but she said no.

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

2. Rewrite each of the following sentences using active voice, first person, or any other modifications necessary to make sure the writer's intent is clear. In all sentences Officer Brown is the reporting officer.
- a) Officer Brown had been approaching the suspect and at this time he noticed that the woman appeared intoxicated.

 - b) Jones was asked by Brown to describe the gun, and she said that she didn't know much about them, but it was small enough to fit in his waste band.

 - c) Logan was then transported by Brown to jail for booking. During the search procedure, Logan said, I except responsibility for everything but shooting her. I guess I better ask advice from my attorney.

 - d) The suspect was patted down for weapons by Brown's partner. The immediate effect was to cause Russell to exhibit hostile behavior.

 - e) At this time Johnson was being advised of his Miranda options by Brown's partner. The suspect was asked if he understood each right as it was read by him to him. He said yes.

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

3. Rewrite the following segment from an officer's investigative report. Correct all mechanical errors as well as any other modifications you feel would improve the segment.

On 5/3/99 about 1147 I was dispatch to a report of a petty theft. I talked to Mark Jones. He told me that he went into his home to get some water. When he returned to the past location of his bike, someone stole his bike. It was a mountain bike, red with black trim. He told me that he had seen no one. His neighbor came out and I asked him if he had scene anyone take it but he said no.

4. Why is it important that the first sentence of a narrative paragraph clearly state the primary topic or subject of the paragraph?

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

5. Circle the correct word choice for each of the following sentences.
- a) The [affect/effect] on the car was minimal.
 - b) The Browns said they were returning to [there/their/they're] home.
 - c) The [cite/site/sight] was covered with trash and broken glass.
 - d) The witness saw two boys [braking/breaking] the windows.
 - e) The other driver was going over 70 MPH when she [passed/past] us.
 - f) Someone [pride/pried] the hinges from the frame of the door.
 - g) The injured man refused to [accept/except] medical aid.
 - h) Jones [alluded/eluded] to the location of the stolen vehicle.

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

6. Write a sentence that illustrates the proper use of each of the following words.

Word	Examples of Proper Use
threw	
proceed	
waste	
principal	
proceed	
waist	
through	
principle	

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

7. Rewrite and reorganize the following statements/sentences into a clear narrative paragraph.
- 07/07/99
 - 1945 pm
 - The suspect ran north on Wilson street with what appeared to be a metal bar in his hand.
 - My partner and I were called to the incident in response to a silent alarm.
 - A man was standing below a rear window of the building.
 - A rear window was cracked but remained locked and secured.
 - As I approached the rear of the building on foot, the man began to run away.
 - The suspect was approximately 6 ft tall, 180 lbs, wearing dark pants, a black nylon jacket, black baseball cap, and was a white male with brown hair and medium build.

Continued on next page

Supplementary Material

Overview

Introduction The following materials can be referred to by peace officers when writing investigative reports.

In this section Refer to the following table for specific reference documents included in this section.

Topic	See Page
Parts of Speech	S-2
Punctuation	S-4
Common Law Enforcement Abbreviations	S-6
State Abbreviations	S-12
Crime Information Reference Guide	S-13

Parts of Speech

Introduction

The sentence is the basic structure of written English. It is made up of words that have unique characteristics and functions.

Parts of speech

The eight parts of speech are identified in the following table.

	Description	Examples
Noun	Names a person, place, or thing	The officer stopped the <i>car</i> . The suspect fled from the officers .
Pronoun	Takes the place of a noun	He ran between the cars. They were close together.
Verb	Expresses action or state of being (“be verbs”)	The officer ran after the suspect. The suspect was fast.
Adverb	Describes a verb, adjective, or other adverb	The suspect ran quickly . He became extremely exhausted
Adjective	Describes a noun or pronoun	The tall suspect turned around. The short suspect continued to run.

Continued on next page

Parts of Speech, Continued

Parts of
speech
(continued)

	Description	Examples
Preposition	Shows how a noun or pronoun is related to another word in a sentence; followed by nouns or pronouns	The suspect jumped out of the car, over the retaining wall, and into the store.
Conjunction	Connects words or parts of sentences; can be coordinating or subordinating	My partner and I approached the car. I was cover officer while my partner was contact officer.
Article	Comes before and usually limits a noun	A bag of powder was lying on the back seat.

Punctuation

Introduction

Punctuation marks give writers a way to achieve some of the effects they would convey in spoken conversations. (i.e., pauses, changes in tone or pitch, inflections, etc.) They can influence the meaning of words, the flow of thought, and the emphasis intended by the writer.

Common punctuation

The following table identifies the most common punctuation marks used within investigative reports.

Mark	Main Uses	Examples
Period (.)	Marks the end of a sentence that is not a question or exclamation	Stewart went to the back of the store and told the manager what she saw.
Comma (,)	Separates items in a series	She reported that a microwave oven, a computer, and a stereo system were missing from the apartment.
	Separates nonessential phrases and clauses from the rest of the sentence	In the meantime, Jones swept up the broken glass.
	Separates two independent clauses in a compound sentence	The victim was in pain, but he was still able to speak with us.
Quotation marks (“ ”)	Indicates the beginning and end of direct quotes	Stanley said, “I just didn’t see the car coming.”

NOTE: Punctuation is generally not placed inside quotation marks. (i.e., commas, periods)

Continued on next page

Punctuation, Continued

**Common
punctuation**
(continued)

Mark	Main Uses	Examples
Colon (:)	Signals a series is about to follow	The victim reported the following items were missing from the apartment: a microwave oven, a computer, and a stereo system.
Apostrophe (')	To show possession in nouns	The victim's car was totaled.
	To form a contraction	She couldn't tell the direction he came from.

NOTE: The use of contractions in official reports is discouraged except in direct quotes.

NOTE: Usage of semi-colons may be discouraged, please check agency policy and procedures.

Common Law Enforcement Abbreviations

Introduction Peace officers use abbreviations in their notes to expedite time and then write the complete words in their report.

Guidelines for use Abbreviations should be such that the meaning will be readily understood to the person reading the notes. Officers may use abbreviations in their notes but should write the word out for their reports.

Abbreviations containing all capital letters do not require periods (e.g., DMV, CHP).

NOTE: Review agency policies and procedures before using abbreviations.

The following is an alphabetical listing of common law enforcement abbreviations.

A	Assisted and advised	A&A
	Address	Add.
	All points bulletin	APB
	Also known as	AKA
	Ambulance	Amb.
	American Indian	I
	Arresting officer	A/O
	Apartment	Apt.
	Arrest	Arr.
	Asian Indian	A
	Assault with deadly weapon	ADW
	Assistant	Asst.
	Attempt	Att.
	Attention	Attn.
	Avenue	Ave.

Continued on next page

Common Law Enforcement Abbreviations, Continued

B	Blood alcohol count	BAC
	Black (color)	Blk.
	Black (descent)	B
	Blocks	Blks.
	Blonde	Bln.
	Blue	Blu.
	Be on the lookout	BOLO
	Brown	Brn.
	Building	Bldg.
	Business and Professions Code	B&P

C	California Highway Patrol	CHP
	Captain	Capt.
	California drivers license	CDL
	California identification card	CID
	Caucasian	W
	Cleared by arrest	CBA
	County	Co.
	Complainant	Comp.
	Convertible	Conv.
	Chief of Police	COP
Criminal Justice Information System	CJIS	

D	Dark	Dk.
	Date of birth	DOB
	Dead on arrival	DOA
	Defendant	Def.
	Department	Dept.
	Department of Motor Vehicles	DMV
	District	Dist.
	Direction of travel	DOT
	Division	Div.
	Doing business as	DBA
	Driving under the influence	DUI

Continued on next page

Common Law Enforcement Abbreviations, Continued

E	East	E
	Eastbound	E/B
	Emergency room	ER
	Expired	Exp.
	Estimated	Est.

F	Felony	Fel.
	Female	F
	Field sobriety test	FST
	Four door	4D

G	Gray	Gry.
	Gone on arrival	GOA
	Green	G

H	Had been drinking	HBD
	Hazel	Hzl.
	Headquarters	Hdqts.
	Health & Safety Code	H&S
	Highway	Hwy.
	High School	H.S.

I	Identification	ID
	Identity	ID
	Indian, American	I
	Information	Info.
	Informant	Inf.
	Inspector	Insp.
	Injury	Inj.
	Injury on duty	IOD
	Intersection	I/S

J	Juvenile	Juv.
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Continued on next page

Common Law Enforcement Abbreviations, Continued

K

L	Left front	L/F
	Left rear	L/R
	License	Lic.
	Lieutenant	LT
	Light	Lt.

M	Male	M
	Maroon	Mar.
	Medium	Med.
	Memorandum	Memo
	Mexican, Latino, Hispanic	H
	Miles per hour	MPH
	Miscellaneous	Misc.
	Misdemeanor	Misd.
	Modus operandi	M.O.
Motorcycle	M/C	

N	National Crime Information Center	NCIC
	No further description	NFD
	No middle name	NMN
	Not applicable	N/A
	North	N
	Northbound	N/B

O	Officer	Off.
	Oriental	O

Continued on next page

Common Law Enforcement Abbreviations, Continued

P	Parked	Pkd.
	Passenger	Pass.
	Pedestrian	Ped.
	Penal Code	PC
	Permanent identification number	PIN
	Pickup	P/U
	Point of impact	POI
	Point of rest	POR
	Possible	Poss.

Q	Quiet on arrival	QOA
	Quiet on departure	QOD

R	Railroad	RR
	Referral by other agency	ROA
	Registration	Reg.
	Reporting officer	R/O
	Right front	R/F
	Right rear	R/R
	Room	Rm.

S	Sergeant	Sgt.
	South	S
	Southbound	S/B
	Station wagon	S/W
	Street	St.
	Supervisor	Supv.
	Suspect	Susp.

Continued on next page

Common Law Enforcement Abbreviations, Continued

T	Teletype	TT
	Temporary	Temp.
	Traffic accident	TA
	Two door	2D

U	Uniform Crime Reports	UCR
	Unable to locate	UTL
	Unknown	Unk.

V	Vehicle	Veh.
	Vehicle Code	VC
	Vehicle identification number	VIN
	Victim	Vict.
	Violation	Viol.

W	Warned and released	W&R
	Watch Commander	W/C
	Welfare & Institutions Code	W&I
	West	W
	Westbound	W/B
	White (color)	Wh
	White (descent)	W
	Witness	Wit.

X

Y	Yellow	Yel.
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Z

State Abbreviations

Introduction Peace officers may have to refer to specific states within their reports. The U.S. Postal Service has standardized the abbreviations for the states and some Canadian provinces.

Abbreviations The following table identifies the U.S. Postal Service's standardized abbreviations.

Alabama	AL	Montana	MT
Alaska	AK	Nebraska	NE
Arizona	AZ	Nevada	NV
Arkansas	AR	New Hampshire	NH
California	CA	New Jersey	NJ
Colorado	CO	New Mexico	NM
Connecticut	CT	New York	NY
Delaware	DE	North Carolina	NC
Dist. of Columbia	DC	North Dakota	ND
Florida	FL	Ohio	OH
Georgia	GA	Oklahoma	OK
Hawaii	HI	Oregon	OR
Idaho	ID	Pennsylvania	PA
Illinois	IL	Rhode Island	RI
Indiana	IN	South Carolina	SC
Iowa	IA	South Dakota	SD
Kansas	KS	Tennessee	TN
Kentucky	KY	Texas	TX
Louisiana	LA	Utah	UT
Maine	ME	Vermont	VT
Maryland	MD	Virginia	VA
Massachusetts	MA	Washington	WA
Michigan	MI	West Virginia	WV
Minnesota	MN	Wisconsin	WI
Mississippi	MS	Wyoming	WY
Missouri	MO	British Columbia	BC

NOTE: State postal abbreviations do not require periods.

Glossary

Introduction **The following glossary terms apply only to Learning Domain 18:
Investigative Report Writing**

active voice The use of verbs that refer to or agree with the subject of the sentence actually doing or performing the action

conclusion A statement that is based on the analysis of facts and opinions

corpus delicti The body or elements of the crime

FACCCT Acronym for the characteristics of an effective investigative report; factual, accurate, clear, concise, complete, and timely

fact A statement that can be verified or proven

field notes Abbreviated notations written by an officer in the field while investigating a specific incident or crime

first person pronoun A pronoun that refers to the person speaking (e.g., I, my, we, our, etc.)

investigative report A written legal document prepared by a peace officer that records in detail that officer's observations and actions as they relate to a specific event or incident

Continued on next page

Glossary, Continued

interview The process of gathering information from a person who has knowledge of the facts an officer will need to conduct an investigation

noun A word that is used to identify or name a person, place, or thing

opinion A statement that can be open to different interpretations and expresses a belief not necessarily substantiated by proof

passive voice The use of verbs that refer to or agree with someone or something other than the doer or performer of the action of a sentence

past tense A form of a verb that expresses an action that has already taken place

present tense A form of a verb that expresses an action that is currently taking place

pronoun A word that can be used as a substitute for a noun or a proper noun

proper noun A noun that names a specific person, place, or thing

third person pronoun A pronoun that refers to or agrees with the noun that is being spoken about (e.g., he, she, it, etc.)

Continued on next page

Glossary, Continued

transition

A word or phrase that shows a relationship between thoughts, sentences, or paragraphs

verb

A word which expresses an action or state of being

**verb
tense**

A form of a verb that refers to the time an action takes place

Basic Course

Workbook Series

Student Materials

Learning Domain 20

Use of Force

Version 3.1

**Basic Course Workbook Series
Student Materials
Learning Domain 20
Use of Force
Version 3.1**

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THE ACADEMY TRAINING MISSION

The primary mission of basic training is to prepare students mentally, morally, and physically to advance into a field training program, assume the responsibilities, and execute the duties of a peace officer in society.

FOREWORD

The California Commission on Peace Officer Standards and Training sincerely appreciates the efforts of the many curriculum consultants, academy instructors, directors and coordinators who contributed to the development of this workbook. The Commission extends its thanks to California law enforcement agency executives who offered personnel to participate in the development of these training materials.

This student workbook is part of the POST Basic Course Training System. The workbook component of this system provides a self-study document for every learning domain in the Basic Course. Each workbook is intended to be a supplement to, not a substitute for, classroom instruction. The objective of the system is to improve academy student learning and information retention.

The content of each workbook is organized into sequenced learning modules to meet requirements as prescribed both by California law and the POST Training and Testing Specifications for the Basic Course.

It is our hope that the collective wisdom and experience of all who contributed to this workbook will help you, the student, to successfully complete the Basic Course and to enjoy a safe and rewarding career as a peace officer serving the communities of California.

A handwritten signature in black ink, appearing to read 'Paul Cappitelli', with a stylized flourish at the end.

PAUL CAPPITELLI
Executive Director

LD 20: Use of Force

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Preface

Introduction

Student workbooks

The student workbooks are part of the POST Basic Course Instructional System. This system is designed to provide students with a self-study document to be used in preparation for classroom training.

Regular Basic Course training requirement

Completion of the Regular Basic Course is required, prior to exercising peace officer powers, as recognized in the California Penal Code and where the POST-required standard is the POST Regular Basic Course.

Student workbook elements

The following elements are included in each workbook:

- chapter contents, including a synopsis of key points,
 - supplementary material, and
 - a glossary of terms used in this workbook.
-

How to Use the Student Workbook

Introduction

This workbook provides an introduction to the training requirements for this Learning Domain. It is intended to be used in several ways: for initial learning prior to classroom attendance, for test preparation, and for remedial training.

Workbook format

To use the workbook most effectively, follow the steps listed below.

Step	Action
1	Begin by reading the: Preface and How to Use the Workbook, which provide an overview of how the workbook fits into the POST Instructional System and how it should be used.
2	Refer to the Chapter Synopsis section at the end of each chapter to review the key points that support the chapter objectives.
3	Read the text.
4	Complete the Workbook Learning Activities at the end of each chapter. These activities reinforce the material taught in the chapter.
5	Refer to the Glossary for a definition of important terms. The terms appear throughout the text and are bolded and underlined the first time they appear (e.g., <u>term</u>).

Chapter 1

Introduction to the Use of Force

Overview

Learning need Peace officers must recognize that they have the authority to use reasonable force to effect an arrest, to prevent escape, or to overcome resistance as authorized by the California Penal Code. For their safety, and for the safety and well-being of fellow officers, it is critical that peace officers know the laws governing the use of force.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to:	E.O. Code
<ul style="list-style-type: none">• discuss <i>reasonable force</i> as stated by law.	20.01.EO1
<ul style="list-style-type: none">• discuss the components of the Fourth Amendment standard for determining <i>objective reasonableness</i>, as determined by the U.S. Supreme Court.	20.01.EO2
<ul style="list-style-type: none">• explain the legal framework establishing a peace officer's authority during a legal arrest, including:<ul style="list-style-type: none">- subject's requirement to submit to arrest without resistance- peace officer's authority to use reasonable force during a detention or arrest.	20.01.EO3 20.01.EO4
<ul style="list-style-type: none">• identify the circumstances set forth in the California Penal Code when a peace officer has the authority to use force.	20.01.EO5
<ul style="list-style-type: none">• discuss the level of authority agency policies have regarding the use of force by a peace officer.	20.01.EO6

Continued on next page

Overview, Continued

In this chapter This chapter focuses on the legal aspects regarding a peace officer's authority to use force. Refer to the following chart for specific topics.

Topic	See Page
Reasonable Force	1-3
Authority to Use Force	1-6
Chapter Synopsis	1-8
Workbook Learning Activities	1-10

Reasonable Force

[20.01.EO1, 20.01.EO2]

Introduction

Reasonable force is a legal term for how much and what kind of force a peace officer may use in a given circumstance.

Penal Code Section 835a states: “Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance.”

Fourth Amendment “objective reasonableness” standard

In 1989, the United States Supreme Court applied an objective standard to a force situation and further established how reasonable force must be judged objectively (*Graham v. Connor*, 490 U.S. 386, 109 S.Ct. 1865) (1989)). The Court’s analysis began by considering the subject’s Fourth Amendment right to remain free from any unreasonable seizure against the government’s interest in maintaining order through effective law enforcement.

The Court noted that determining the objective reasonableness for the use of force must be *fact specific*, and established the following four components for determining reasonableness:

	The reasonableness of a particular use of force must be...
1	judged from the perspective of a reasonable officer.
2	examined through the eyes of an officer on the scene at the time the force was applied, not the 20/20 vision of hindsight.
3	based on the facts and circumstances confronting the officer without regard to the officer’s underlying intent or motivation.
4	based on the knowledge that the officer acted properly under the established law at the time.

Continued on next page

Reasonable Force, Continued

The officer's perspective

Peace officers will constantly be faced with decisions of when to use force and to what degree it should be applied.

The totality of the circumstances must be evaluated from *the perspective of the officer at the scene*, rather than from an outsider's benefit of "20/20" hindsight. Reasonable force must be based on the facts and circumstances known to the peace officer at the time the force was used.

The Court noted that:

"the amount of force necessary for the situation is determined by the objective reasonableness as judged by a reasonable officer given the officer's training and experience."

A reasonable officer is defined as an officer with similar training, experience, and background in a similar set of circumstances, who will react in a similar manner.

Community policing

Community members want their officers to possess the skills necessary to subdue violent and dangerous subjects. They also want officers to use these skills to apply only the amount of force that is reasonable to effect an arrest, to overcome resistance, or to prevent escape. Force should never be used to punish subjects. In the American criminal justice system, punishment in the form of judgments is the sole responsibility of the courts.

Continued on next page

Reasonable Force, Continued

The officer's intent

The objective for the use of force by peace officers in any situation is to ultimately gain or maintain **control** of an individual and the situation.

Control, as it relates to defensive tactics, means maintaining composure to make sound judgments and decisions.

Additional gauges for reasonableness

The Court noted that the following facts should also be considered, but not limited to, when gauging reasonableness:

- The severity of the crime
 - The nature and extent of the threat posed by the subject
 - The degree to which the subject resists arrest or detention
 - Any attempts by the subject to evade arrest by flight
-

Reasonable officer standard

The **reasonable officer** standard:

- would another officer
 - with like or similar training and experience,
 - facing like or similar circumstance,
 - act in the same way or use similar judgement?
-

Authority to Use Force

[20.01.EO3, 20.01.EO4, 20.01.EO5, 20.01.EO6]

Introduction

It is the role of the peace officer to protect and serve the public. Peace officers who make or attempt to make an arrest may use reasonable force when faced with a threat or resistance.

Subject's duty to submit to arrest

Whether a subject is legally detained or arrested, it is the subject's duty to refrain from resisting the officer's authority.

Penal Code Section 834a states:

“If a person has knowledge, or by the exercise of reasonable care, should have knowledge, that he is being arrested by a peace officer, it is the duty of such person to refrain from using force or any weapon to resist such arrest.”

Officer authority to use restraint

An arrest can be made by physically restraining a subject or by the subject submitting to the authority of the officer.

Penal Code Section 835 states:

“An arrest is made by an actual restraint of the person, or by submission to the custody of an officer. The person arrested may be subjected to such restraint as is reasonable for arrest and detention.”

Continued on next page

Authority to Use Force, Continued

Authority and criteria for the use of force

Penal Code Section 835a states:

“Any officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect an arrest, to prevent escape or to overcome resistance.

A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.”

Agency policies

Although the statutory law and case law have provided a foundation for the use of force by a peace officer, the most detailed considerations and regulations are established by each agency’s policies.

Limitations on the use of force are set by agency policy. These policies are attempts to provide reasonable guidelines for officers to protect them and their agency from criminal and civil liability.

Peace officers are responsible for becoming familiar with and complying with their agency’s policies and guidelines regarding the use of force.

Chapter Synopsis

Learning need Peace officers must recognize that they have the authority to use reasonable force to effect an arrest, to prevent escape, or to overcome resistance under the circumstances authorized by the California Penal Code. For their safety, and well-being of fellow officers, it is critical that peace officers know the laws governing the use of force.

Reasonable force
[20.01.EO1] *Penal Code Section 835a* states:
“Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance.”

The Fourth Amendment
[20.01.EO2] The U.S. Supreme Court noted that determining the objective reasonableness for the use of force must be *fact specific* and established four components for determining reasonableness.

Subject’s requirement to submit to arrest without resistance
[20.01.EO3] *Penal Code Section 834a* states:
“If a person has knowledge, or by the exercise of reasonable care, should have knowledge, that he is being arrested by a peace officer, it is the duty of such person to refrain from using force or any weapon to resist such arrest.”

Peace officer’s authority to use restraint during a detention or arrest
[20.01.EO4] *Penal Code Section 835* states:
“an arrest is made by an actual restraint of the person, or by submission to the custody of an officer. The person arrested may be subjected to such restraint as is reasonable for their arrest and detention.”

Continued on next page

Chapter Synopsis, Continued

**Penal code
authority
[20.01.EO05]**

Penal Code Section 835a grants officers authority to use force under specific circumstances.

**Level of
authority of
specific agency
policies
[20.01.EO6]**

Limitations on the use of force are set by specific agency policy. All such policies are attempts to provide guidelines and to protect the officer and agency from criminal and civil liability.

Workbook Learning Activities

Introduction

To help you review and apply the material covered in this chapter, a selection of learning activities has been included. No answers are provided. However, by referring to the appropriate text, you should be able to prepare a response.

Activity questions

1. During an attempt by peace officers to arrest a subject for rape, the subject pulled an object from his pocket, pointed it at the officers, and in a highly agitated voice said, "Leave me alone or I'll kill you. I've got a gun!" When a bystander came around the corner, the subject aimed the object at her. One of the officers shot the subject, who later died. The object brandished by the subject was discovered to be a toy gun. Do you feel the officer exercised reasonable force? Explain why or why not based on the four components of reasonableness established by the U.S. Supreme Court.

2. When considering what force is reasonable, peace officers must remember that, as officers, they have rights as well. Outline each of these rights and explain how they might apply when dealing with a violent subject who is resisting arrest.

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

3. Explain why it is important for peace officers to be familiar with their agency's policies on use of force, even though they may thoroughly understand the case law decisions as well as the California Penal Code regarding an officer's authority to use force.

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

4. During a lawful detention based on reasonable suspicion, the suspect tells the officer that he does not want to speak to the officer and begins to walk away.

Explain why or why not an officer could use force to effect the detention and the applicable authorities.

Chapter 2

Force Options

Overview

Learning need Peace officers must recognize that they have a range of force options available to them. However, in all cases the use of force must be reasonable compared to the threat, resistance, and other circumstances known to the officer at the time the force was used.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to:	E.O. Code
• discuss the term “ <i>force option</i> .”	20.02.EO1
• identify that the objective of using force is to overcome resistance to gain control of an individual and the situation.	20.02.EO2
• recognize force options and the amount of force peace officers may use based on the subject’s resistance.	20.02.EO3
• explain the importance of training and ongoing practice when responding to potentially dangerous situations that may require the use of force.	20.02.EO4
• discuss the importance of effective communication when using force.	20.02.EO5

Continued on next page

Overview, Continued

In this chapter This chapter focuses on principles of use of force. Refer to the following chart for specific topics.

Topic	See Page
Force Options	2-3
Resistance	2-6
Communication	2-11
Chapter Synopsis	2-13
Workbook Learning Activities	2-14

Force Options

[20.02.EO1, 20.02.EO2, 20.02.EO4]

Introduction

Force options are choices available to a peace officer in each agency's policy to overcome resistance, effect arrest, prevent escape, or gain control of the situation.

Objective for use of force

The objective for the use of force by peace officers is to gain and maintain control of an individual and the situation.

Peace officers are required to:

- use the type of force which is reasonable under the circumstances
 - use only the amount of force reasonable to overcome resistance and to gain or maintain control of a subject
 - conform to agency policy and federal and state law
-

Officer judgement

The amount of force applied shall not exceed what is reasonable to overcome the subject's resistance to gain or maintain control of the subject. Each officer must rely on their judgment to employ **objectively reasonable** force for that specific situation.

The *reasonableness* of a particular use of force must be judged from the perspective of a reasonable officer. Examined through the eyes of an officer on the scene at the time the force was applied, not the 20/20 vision of hindsight. Based on the facts and circumstances confronting the officer without regard to the officer's underlying intent or motivation. Based on the knowledge that the officer acted properly under the established law at the time.

Continued on next page

Force Options, Continued

Officer preparation

In law enforcement, preparation can mean the difference between life and death as well as generate a professional image for a peace officer. The following chart identifies some items officers must consider and prepare for:

Item	Considerations	Benefits
Uniforms	<ul style="list-style-type: none">- Proper fit- Neat, professional appearance- Does not impair free movement	<ul style="list-style-type: none">- More effective- Command presence
Gear	<ul style="list-style-type: none">- In good condition- Inspected regularly- Readily accessible	<ul style="list-style-type: none">- Increased confidence in the application of physical force
Firearms	<ul style="list-style-type: none">- Cleaned and maintained- Serviced by a trained armorer as necessary	<ul style="list-style-type: none">- Increased confidence in the application of deadly force
Body armor	<ul style="list-style-type: none">- Fits properly- Does not interfere with movement- Is worn by the officer	<ul style="list-style-type: none">- Enhanced survivability

Practice and training

It has been established that peace officers, when required to respond in dangerous situations, will revert to the responses they learned in training. Officers' tactical performance may depend entirely on how well and effectively they have trained and practiced required skills and abilities.

Without ongoing practice and training, peace officers place themselves and others in jeopardy of injury or death.

Continued on next page

Force Options, Continued

Factors affecting selection

There are a number of factors that can affect which force option is selected. The following chart identifies but is not limited to some of the most critical:

Factor	Considerations
Public safety	<ul style="list-style-type: none">- Immediate action required for self-defense or defense of others
Amount and nature of the resistance which must be overcome	<ul style="list-style-type: none">- Passive resistance- Active resistance- Assaultive resistance- Life-threatening resistance
Presence of a weapon and type of weapon	<ul style="list-style-type: none">- Other Weapons- Firearms
Seriousness and nature of the offense	<ul style="list-style-type: none">- Misdemeanor cite and release- DUI- Armed Robbery
Characteristics of the subject as compared to the characteristics of the officer	<ul style="list-style-type: none">- Size- Age- Knowledge of Capabilities- History
Availability of assistance	<ul style="list-style-type: none">- Number of officers- Available backup units
Nature and condition of the location and surroundings	<ul style="list-style-type: none">- Danger to bystanders- Availability of weapons

Resistance

[20.02.EO3]

Introduction

Subjects' resistance/actions to an arrest will determine the type of force used by peace officers.

Subjects actions

The following chart illustrates how a subject's resistance/actions can correlate to the force applied by an officer:

Subject's Actions	Description	Possible Force Option
Cooperative	Subject offers no resistance	<ul style="list-style-type: none">- Mere professional appearance- Nonverbal actions- Verbal requests and commands
Passive non-compliance	Does not respond to verbal commands but also offers no physical form of resistance	<ul style="list-style-type: none">- Officer's strength to take physical control, including lifting/carrying- Control holds and techniques to direct movement or immobilize a subject
Active resistance	Physically evasive movements to defeat an officer's attempt at control, including bracing, tensing, running away, or verbally signaling an intention to avoid or prevent being taken into or retained in custody	<ul style="list-style-type: none">- Control holds and techniques to control the subject and situation- Use of personal weapons in self-defense and to gain advantage over the subject- Use of devices to secure compliance and ultimately gain control of the situation

Continued on next page

Resistance, Continued

Subjects actions
(continued)

Subject's Actions	Description	Possible Force Option
Assaultive	Aggressive or combative; attempting or threatening to assault the officer or another person	<ul style="list-style-type: none"> - Use of devices and/or techniques to secure compliance and ultimately gain control of the situation - Use of personal body weapons in self-defense and to gain advantage over the subject
Life-threatening	Any action likely to result in serious injury or possibly the death of the officer or another person	<ul style="list-style-type: none"> - Utilizing firearms or any other available weapon or action in defense of self and others

NOTE: Officers must take into account the *totality of the circumstances* when selecting a reasonable force option. It is not the intent of this chart to imply that an officer's force options are limited based on any single factor.

NOTE: Officers must be aware of and comply with their specific agency policies regarding appropriate force options.

Constant reevaluation

Peace officers must use the force option appropriate for the situation as conditions may change rapidly. Officers must continually reevaluate the subject's action and must be prepared to transition as needed to the appropriate force options.

Continued on next page

Resistance, Continued

**Constant
reevaluation**
(continued)

The following tools and techniques are not in a particular order nor are they all inclusive.

Tools and Techniques for Force Options
Verbal Commands/Instructions/Command Presence
Control Holds/Takedowns
Impact Weapons
Electronic Weapons (Tasers, Stun Guns, etc.)
Chemical Agents
Firearms
Body Weapons
Impact Projectile
Carotid Restraint Control Hold

Continued on next page

Resistance, Continued

Examples

The following chart presents examples of situations and an reasonable and unreasonable use of force based on the level of resistance/actions that is being offered by the subject:

Situation	Subject's Action(s)	Officer's Response(s)
During a traffic stop an officer discovered that the driver had several outstanding traffic warrants.	The driver offered no resistance, was cooperative, and responded immediately to the verbal commands of the officer.	<i>Reasonable:</i> The officer's presence and verbal commands controlled the situation.
		<i>Unreasonable:</i> The officer used a physical control hold immediately before giving verbal commands. The driver became fearful of the officer's actions and began to struggle with the officer. Absent other mitigating factors, the officer's use of force was unreasonable and may have escalated the threat.
During a traffic stop an officer discovered that the driver had several outstanding traffic warrants.	The driver complied with the officer's verbal command to get out of the car and showed no signs of threatening behavior, but refused to cooperate in any other way.	<i>Reasonable:</i> The officer used a firm grip to overcome the driver's passive resistance to the officer's efforts to direct the movement of the driver and maintain control of the situation.
		<i>Unreasonable:</i> The officer used an impact weapon to disable the subject before applying a control hold and placing the subject under arrest.

Continued on next page

Resistance, Continued

Examples
(continued)

Situation	Subject's Action(s)	Officer's Response(s)
<p>During a traffic stop an officer discovered that the driver had several outstanding traffic warrants.</p>	<p>The driver complied with the officer's verbal command to get out of the car but then pulled away and assumed a fighting stance.</p>	<p><i>Reasonable:</i> The officer used a leg sweep takedown technique to gain physical control of the subject and then placed the subject under arrest. Since the subject exhibited assaultive behavior toward the officer, the use of force by the officer was reasonable.</p>
		<p><i>Unreasonable:</i> The officer continued making verbal requests for the subject to comply and attempted no other action to gain control of the subject. Even though the subject was not actively attacking the officer, he was actively and aggressively resisting the officer's attempt to arrest him. By not responding to the changing situation with reasonable force, the officer may have placed himself in greater danger of losing control and placed himself at risk of serious injury.</p>

Communication

[20.02.EO5]

Introduction

Effective communication may enable a peace officer to gain cooperation and voluntary compliance in stressful situations (e.g., confronting a hostile subject).

Importance of effective communication

The vast majority of law enforcement responsibilities involve effective communication. Communication involves both command presence and words resulting in improved safety. The following chart highlights some benefits of effective communication:

For...	Effective Communication...
Safety	<ul style="list-style-type: none">• provides skills that reduce the likelihood of physical confrontation• can result in a reduction of injuries
Professionalism	<ul style="list-style-type: none">• renders more effective public service and improves community relations• decreases public complaints and internal affairs investigations• decreases civil liability• lessens personal and professional stress

Continued on next page

Communication, Continued

The law enforcement profession and communication

Law enforcement is a highly visible profession. When peace officers communicate, they represent:

- themselves/agency
- executive staff(chief or sheriff)
- government (city, county, state, federal)
- public interest
- authority (laws, the Constitution, the Bill of Rights, etc.)
- law enforcement profession as a whole

Effective communication is a basic element of the use of force. A major goal of law enforcement is to gain voluntary compliance without resorting to physical force.

NOTE: For additional information regarding effective communication refer to LD 1, *Ethics*, LD 3, *Policing in the Community*, LD 4, *Victim Assistance*, LD 18, *Investigative Report Writing*, LD 21 *Pedestrian Stops*, LD 22, *Vehicle Pullovers*, and LD 37, *Persons with Disabilities* in addition to other Learning Domains.

Chapter Synopsis

Learning need Peace officers must recognize that they have a range of force options available to them. However, in all cases the use of force must be reasonable compared to the threat, resistance, and other circumstances known to the officer at the time the force was used.

Force option [2.02.EO1] Force options are choices available to a peace officer in each agency's policy to overcome resistance, effect arrest, prevent escape, or gain control of the situation.

Goal of using force to gain control [20.02.EO2] The objective of the use of force by peace officers in any situation is to ultimately gain or maintain control of an individual and therefore the situation.

Officer's use of force vs subject's level of resistance [20.02.EO3] An officer's selection of the force option or amount of force should be based on the amount or degree of resistance of the subject as well as other relevant conditions or circumstances of the specific situation.

Ongoing training and practice for responding to dangerous situations [20.02.EO4] It has been established that peace officers, when required to respond quickly in dangerous situations, will revert to trained responses. Officers' tactical performance may depend entirely on how well and effectively they have trained for and practiced their abilities and skills.

Effective communication [20.02.EO5] The vast majority of law enforcement responsibilities involve effective communication. Communication involves both professional demeanor and words resulting in improved safety and professionalism.

Workbook Learning Activities

Introduction

To help you review and apply the material covered in this chapter, a selection of learning activities has been included. No answers are provided. However, by referring to the appropriate text, you should be able to prepare a response.

Activity questions

1. One of the factors that must be considered in selecting a force option is the characteristics of the individual peace officer as compared with those of the subject. Use the charts below to compare your personal characteristics at this time to those of the subjects shown. Why is it important to objectively assess your own characteristics and capabilities?

Officer	Subject - Male
	Size: approximately 6' 3" and 230 pounds
	Age: 24
	Capabilities: gun enthusiast and marksman, possibly armed, muscular and athletic
	History: past record of domestic violence (battery), several speeding tickets, one conviction for DUI

Continued on next page

Workbook Learning Activities, Continued

Activity questions
(continued)

Officer	Subject - Female
	Size: approximately 5' 3" and 110 pounds
	Age: 30
	Capabilities: unknown, athletic build, accompanied by young child
	History: no record on file

- Using the information in the charts from Activity 1, consider each subject separately and explain how and why you might react differently to each person when encountered in the following scenario:

During a traffic stop, a records check of the driver reveals a current warrant for arrest under suspicion of grand theft. The driver exits the car as directed but passively resists all other commands. The driver's hands remain in his jacket pockets.

Continued on next page

Workbook Learning Activities, Continued

Activity questions
(continued)

3. Give an example of a force option at each of the following levels of force:

- cooperative
- resistive
- assaultive
- life-threatening

Next, outline a scenario for each option in which you think that force option might be acceptable.

Chapter 3

Use of Deadly Force

Overview

Learning need Peace officers must fully comprehend their authority, responsibility, and liability regarding the use of deadly force as authorized by law.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to:	E.O. Code
<ul style="list-style-type: none">• identify the legal standard for the use of deadly force.	20.03.EO1
<ul style="list-style-type: none">• identify the factors required to establish <i>sufficiency of fear</i> for the use of deadly force.	20.03.EO2
<ul style="list-style-type: none">• recognize facts an officer should consider when determining whether or not to use deadly force.	20.03.EO3
<ul style="list-style-type: none">• discuss the role of agency policies regarding the use of deadly force.	20.03.EO4
<ul style="list-style-type: none">• recognize the law regarding justifiable homicide by a public officer and the circumstances under which the homicide is considered justifiable.	20.03.EO5

Continued on next page

Overview, Continued

In this chapter This chapter focuses on the use of deadly force. Refer to the following chart for specific topics.

Topic	See Page
Considerations Regarding the Use of Deadly Force	3-3
Justifiable Homicide by Public Officer	3-11
Chapter Synopsis	3-18
Workbook Learning Activities	3-20

Considerations Regarding the Use of Deadly Force

[20.03.EO1, 20.03.EO2, 20.03.EO3, 20.03.EO4]

Introduction The use of deadly force is the most serious decision a peace officer may ever have to make. Such a decision should be guided by the reverence for human life and, used only when other means of control are unreasonable or have been exhausted.

Definition Deadly force applied by a peace officer is force that creates a substantial risk of causing death or serious bodily injury.

Leadership Reverence for life is the foundation on which the use of deadly force rests. Deadly force is always the last resort used in the direst of circumstances. The authority to use deadly force is an awesome responsibility given to peace officers by the people who expect them to exercise that authority judiciously. In the law enforcement/community partnership, peace officers are expected to be self-disciplined, accountable, and in turn, the community is expected to support its peace officers.

To protect self or life An officer may use deadly force to protect oneself or others when the officer has the objective and reasonable belief that his/her life, or the life of another, is in imminent danger of death or serious physical injury based upon the totality of the facts known to the officer at the time.

Continued on next page

Considerations Regarding the Use of Deadly Force, Continued

Use of deadly force on fleeing subject

In 1985, based on a person’s Fourth Amendment protection from unreasonable seizures by peace officers, the United States Supreme Court ruled on a case where an officer used a firearm (deadly force) to prevent the escape of a non-violent fleeing felon. The officer in this case relied on the “fleeing felon” standard, which allowed the use of deadly force on any category of felon that was attempting to escape. The Court applied the reasonableness test set forth in the Fourth Amendment (*Tennessee v. Garner*).

The lessons learned from the United States Supreme Court case of *Scott v Harris* (2007) 127S. Ct 1769 is that there is no way-to-apply a legal test. The ultimate question is whether the use of the particular force in a particular situation was reasonable. To make that determination, the court must balance the nature and quality of the intrusion on the individual’s Fourth Amendment interests against the importance of the governmental interests alleged to justify the intrusion.

The Court applied the following points that would make it reasonable for an officer to use deadly force against a fleeing subject in this particular set of circumstances (i.e. using a firearm to stop a fleeing suspect escaping on foot).

	Components of the Garner decision...
1	“...if the subject threatens the officer with a weapon or there is <i>probable cause</i> to believe that he has committed a crime involving the infliction of serious bodily harm [or death]...”

Continued on next page

Considerations Regarding the Use of Deadly Force, Continued

Use of deadly force on fleeing subject
(continued)

	Components of the Garner decision...
2	“... <i>probable cause</i> to believe that the subject poses a threat of death or serious physical harm, either to the officer or others...”
3	“... <i>probable cause</i> to believe that the use of deadly force is <i>reasonably necessary</i> ...”[to prevent escape]
4	“... <i>some warning</i> be given prior to the use of deadly force <i>where feasible</i> ...”

NOTE: This US Supreme Court decision is only the baseline for use of deadly force in this particular set of circumstances. Peace officers must also know the California Penal Code and agency policies. Officers must conform to agency policy and federal and state law.

Related terms

In order to understand the aspects of the use of deadly force, peace officers need to become familiar with the following terms.

Serious bodily harm or injury means a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness, concussion, bone fracture, protracted loss or impairment of function of any bodily member or organ, a wound requiring extensive suturing, and serious disfigurement. (*Penal Code Section 243(f)(4)*)

Continued on next page

Considerations Regarding the Use of Deadly Force, Continued

Related terms (continued)

Reasonable necessity means that delay in apprehension would create substantial and unreasonable risk to officers or others possibly resulting in serious physical injury or death.

Imminent danger means a significant threat that peace officers reasonably believe will result in death or serious bodily injury to themselves or to other persons. Imminent danger is not limited to “immediate” or “instantaneous.” A person may pose an imminent danger even if they are not at the *very moment* pointing a weapon at another person.

Sufficiency of fear

According to the law, fear alone does not justify the use of deadly force. There must be a *sufficiency of fear* for the use of deadly force to be justified. (*Penal Code Section 198*)

There are three elements needed to establish sufficiency of fear.

- The circumstances must be sufficient to excite the fears of a *reasonable person* in like circumstances.
 - The person must not act *under the influence of fear alone*. There has to be some circumstance or overt act apart from the officer’s fear.
 - The decision to use deadly force must be made *to save one’s self or another* from great bodily injury or death.
-

Considerations when deciding to use deadly force

The decision of whether or not to use deadly force may be influenced by the officer’s:

- training and experience
 - judgment
 - mental alertness
 - emotional maturity
-

Continued on next page

Considerations Regarding the Use of Deadly Force, Continued

**Considerations
when deciding
to use deadly
force**
(continued)

- existing facts and circumstances
 - understanding of the law as it relates to
 - agency policies concerning the use
 - amount of force that is objectively reasonable to achieve the law enforcement mission
-

**Agency
policies**

Although the law and courts have established a baseline for the use of deadly force, the conditions under which deadly force may be used are strictly controlled by agency policy. *Officers must conform to agency policy and federal and state law.*

Some issues regarding the use of deadly force addressed by agency policies include, but are not limited to:

- defense of self and others against great bodily harm or death
 - use of warning shots
 - shooting at:
 - nonviolent fleeing felons
 - juveniles
 - moving vehicles
 - shooting from a moving vehicle
 - intentional strikes to the head or neck with an impact weapon
-

Continued on next page

Considerations Regarding the Use of Deadly Force, Continued

Examples

The following chart presents examples that illustrate the selection of deadly force based on the details of the situations given:

Situation	Subject's Action(s)	Officer's Response(s)
A neighbor called the police to report that there seemed to be suspicious activity in the house next door; the owner is known to be away on vacation.	A burglar, surprised by a peace officer entering the room, shot at the officer and missed.	Since the burglar used deadly force against the officer, the officer had the authority to use deadly force to shoot back in self-defense.
	After missing the officer, the burglar threw his weapon down and surrendered to the officer.	The officer was no longer in immediate danger of being seriously injured or killed and no longer had the authority to use deadly force. The burglar should be apprehended through other means.

Continued on next page

Considerations Regarding the Use of Deadly Force, Continued

Examples
(continued)

Situation	Subject's Action(s)	Officer's Response(s)
<p>A peace officer got out of the patrol car to question a man loitering on a street corner.</p>	<p>The subject, using only his fists, attacked the officer.</p>	<p>The attack was of such force and violence to cause the officer to reasonably believe there was danger of being seriously injured. Provided that all other reasonable means of self defense had been exhausted or would have been ineffective, the officer would have had the authority to use deadly force in self-defense.</p>
	<p>The subject's attack was haphazard indicating that he was not experienced in any form of physical fighting skills and was reacting in fear rather than in rage.</p>	<p>Based on no other circumstances, the attack might not have been life-threatening to the officer, and other less than deadly force options would have been available to the officer to gain control of the situation.</p>

Continued on next page

Considerations Regarding the Use of Deadly Force, Continued

Examples
(continued)

Situation	Subject's Action(s)	Officer's Response(s)
<p>Two officers were dispatched to a convenience store where a silent alarm was tripped.</p>	<p>An armed male subject saw the official patrol vehicle and fled.</p>	<p>The officers saw that the store clerk had been shot but was still alive and gesturing toward the fleeing subject. The officers realized that the subject was trying to escape and they had seen that he had a gun. Because the subject used a firearm to commit the crime, if necessary, the officers have the authority to discharge their firearms to prevent the escape and effect the arrest.</p>
		<p>The store clerk had not been injured and the officers did not know if the fleeing subject was armed. Unless the officers have knowledge that the robbery included the use or threatened use of force likely to cause death or serious injury, they would not have the authority to use deadly force to prevent the subject from fleeing.</p>

Justifiable Homicide by Public Officer

[20.03.EO5]

Introduction

Homicide is the lawful or unlawful killing of a human being by another human being. Under certain circumstances homicide by a public officer can be justifiable and legal.

Definition

Penal Code Section 196 states: “Homicide is justifiable when committed by public officers and those acting by their command in their aid and assistance, either:

- in obedience to any judgement of a competent court,
 - when necessarily committed in overcoming actual resistance to the execution of some legal process, or in the discharge of any other legal duty, or
 - when necessarily committed in retaking felons who have been rescued or have escaped, or when necessarily committed in arresting persons charged with a felony, and who are fleeing from justice or resisting such arrest.”
-

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Justifiable Homicide by Public Officer, Continued

Justifiable homicide by a public officer

There are conditions that must be met in order for a homicide by a public officer to be deemed justifiable, and therefore lawful. The following chart further identifies these conditions:

Homicide by a public officer may be justified when...	Explanation
ordered by a court to carry out a death sentence.	If officers are under the orders of a competent court to participate in capital punishment, the officers would be committing legal execution and could not be held responsible or prosecuted.
acting in the course of duty.	In self defense an officer shoots at an armed subject and kills a bystander. This would be legally justified, but only if the accident happened in the course of duty.
retaking escaping felons.	Homicide is justifiable when necessarily committed in retaking felons who have been rescued or have escaped. (<i>Penal Code Section 196</i>) NOTE: <i>Fleeing felon</i> alone is no longer adequate justification.
arresting a felon who resists to the point where deadly force is reasonable.	This applies to arrest situations where: <ul style="list-style-type: none"> • a threat to life exists • the subject could not have been taken by using other than deadly means

NOTE: These conditions must be read in light of the legal standard established by the U.S. Supreme Court in *Tennessee v. Garner* and *Scott v. Harris*.

Continued on next page

Justifiable Homicide by Public Officer, Continued

Unjustifiable homicide by a public officer

The following chart illustrates the circumstances under which homicide by a public officer may not be justified (based on mitigating factors):

Homicide by a public officer may NOT be justified when...	Explanation
pursuing nonviolent felons.	In the case of nonviolent offenses, such as forgery or grand theft, the consideration for human life and the safety of bystanders would preclude shooting the subject.
arresting or pursuing a felon who does not present a threat to life.	If it is not a violent felony, then the use of deadly force against the fleeing subject would be improper. A violent felony is one which threatens death or serious bodily harm.
when arresting or pursuing a misdemeanant who does not pose imminent danger of death or serious bodily injury to people.	When an arrest is for a misdemeanor, use of deadly force is not justified. It is the principle of the law that it is better to allow a misdemeanant to escape than to apply deadly force against the individual.

Continued on next page

Justifiable Homicide by Public Officer, Continued

Considerations before using deadly force

In some instances, peace officers may have time to evaluate and assess all aspects of a situation. In most situations, split-second decisions must be made.

As part of the mental process for preparing to use deadly force, peace officers should consider several important factors *before* a situation requiring the use of deadly force arises. The following chart suggests, but is not limited to, a few of the circumstances that should be considered.

Circumstances	Considerations
Threat to life	<ul style="list-style-type: none"> • Does the subject present a credible threat to the officer or others? <p>NOTE: Peace officers may use force reasonable to defend their lives or the lives of others.</p>
Imminent threat	<ul style="list-style-type: none"> • Does the subject present an imminent threat to life? • Is the subject threatening the officer or others with a weapon? • Subject's access to weapons or potential weapons • Proximity of subject to the officer.
Type of crime/subjects	<ul style="list-style-type: none"> • Is the nature of the crime violent or non-violent? • Is there a large number of subjects to be confronted?
Type of weapon	<ul style="list-style-type: none"> • Can it cause serious bodily injury or death?
Subject's capabilities	<ul style="list-style-type: none"> • Does the subject demonstrate superior physical skill over the officer?

Continued on next page

Justifiable Homicide by Public Officer, Continued

**Considerations
before using
deadly force
(continued)**

Circumstances	Considerations
Location and background	<ul style="list-style-type: none">• Is there a crowd of innocent people behind the subject?
The officer's present capabilities	<ul style="list-style-type: none">• What sort of weapon or other capabilities are at the officer's disposal?

NOTE: Officers must always take into account the totality of circumstances when selecting a force option for a given situation. It is not the intent of this chart to imply that any one circumstance alone may or may not justify the use of deadly force.

Continued on next page

Justifiable Homicide by Public Officer, Continued

Examples

The following chart illustrates examples of the use of deadly force by an officer:

Situation	Subject's Action(s)	Officer's Response(s)
An officer in a patrol vehicle witnessed a drug transaction taking place on a sidewalk near a group of juveniles.	Seeing the officer leave the vehicle and move toward him, the suspected dealer fled down the street. The dealer entered a large building to escape.	The officer drew his firearm, shot and killed the fleeing subject. Even though the offense witnessed by the officer was a felony, the crime did not involve the use or threatened use of force likely to produce death or serious injury. The homicide by the peace officer in this situation would have been unjustified and therefore unlawful.
	While fleeing the scene, the dealer pulled a handgun from his waistband and began firing randomly toward the officer.	In this situation, the subject was posing an immediate danger of causing the death or serious injury to the officer as well as to nearby bystanders. The homicide by the peace officer would have been justified and lawful.

Continued on next page

Justifiable Homicide by Public Officer, Continued

Examples
(continued)

Situation	Subject's Action(s)	Officer's Response(s)
During a riot, an officer witnessed two men shoplifting from a store in the area.	In the confusion of the riot, one of the subjects pulled out a handgun and began to fire at others who were trying to prevent his actions.	The initial crime was a misdemeanor, however, the situation had now escalated because of the use of deadly force by the subject. In such extreme circumstances, the officer's actions are lawful and the homicide justifiable.
	When the men fled the scene, the officer drew his firearm and ordered the men to stop. They ignored the officer's commands.	The officer fired at the fleeing subjects and fatally shot one. Since the offense witnessed by the officer was a misdemeanor and non-violent, the homicide would not have been justified and therefore was unlawful.

Chapter Synopsis

Learning need Peace officers must fully comprehend their authority, responsibility, and liability regarding the use of deadly force as authorized by law.

Legal standard for the use of deadly force [20.03.EO1] The Court established four components for using deadly force on a fleeing subject in the line of duty.

- “...if the subject threatens the officer with a weapon or there is *probable cause* to believe that he has committed a crime involving the infliction of serious bodily harm [or death]...”
- “...*probable cause* to believe that the subject poses a threat of death or serious physical harm, either to the officer or others...”
- “...*probable cause* to believe that the use of deadly force is *reasonably necessary*...”[to prevent escape]
- “...*some warning* be given prior to the use of deadly force *where feasible*...”

Factors required to establish a sufficiency of fear [20.03.EO2] There are three elements needed to establish sufficiency of fear.

- The circumstances must be sufficient to excite the fears of a *reasonable person* in like circumstances.
- The person must not act *under the influence of fear alone*. There has to be some circumstance or overt act apart from the officer’s fear.
- The decision to use deadly force must be made *to save one’s self or another* from great bodily injury or death.

Continued on next page

Chapter Synopsis, Continued

**Considerations
when to use
deadly force
[20.03.EO3]**

The decision of whether or not to use deadly force may be influenced by the officer's:

- training and experience
 - judgment
 - mental alertness
 - emotional maturity
 - existing facts and circumstances
 - understanding of the law as it relates to:
 - agency policies concerning the use, and
 - the amount of force that is objectively reasonable to achieve the law enforcement mission
-

**Role of
agency
policies
[20.03.EO4]**

Although the law and courts have presented a baseline for the use of deadly force, the conditions under which deadly force may be used are strictly controlled by department policy. **Officers must conform to agency policy, federal and state law.**

**Justifiable
homicide by a
public officer
[20.03.EO5]**

Penal Code Section 196 defines justifiable homicide by a public officer. Homicide by a public officer may be justified when:

- the officer is under orders to carry out a death sentence
 - acting in the course of duty
 - retaking escaping felons
 - arresting a felon who resists to the point deadly force becomes reasonable
-

Workbook Learning Activities

Introduction

To help you review and apply the material covered in this chapter, a selection of learning activities has been included. No answers are provided. However, by referring to the appropriate text, you should be able to prepare a response.

Activity questions

1. After an exhausting foot chase, a subject stops and threatens the pursuing officer with a knife. Though the officer is well trained in self-defense and takedown techniques after five years on patrol, the officer is outsized by the subject by at least 75 pounds. The officer's equipment currently includes her service firearm, a baton, and handcuffs. The foot chase has ended on a busy urban sidewalk with the officer's partner is far behind. Is the officer justified in using deadly force to protect herself? What are some of the determining circumstances influencing your decision?

2. In your own words explain the concept of "sufficiency of fear" required to justify the use of deadly force.

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Workbook Corrections

Suggested corrections to this workbook can be made by going to the POST website at: www.post.ca.gov

Continued on next page

Chapter 4

Documenting the Use of Force

Overview

Learning need When a force option has been employed, peace officers' reports must include the critical information to ensure that the chronology, specifics of the events, and the people involved are properly documented.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to:	E.O. Code
<ul style="list-style-type: none">describe why complete documentation of the use of force is critical to the peace officer and the peace officer's agency, to include:<ul style="list-style-type: none">justification for using forcerelevant factors and detail	20.04.EO1

In this chapter This chapter focuses on documenting the use of force. Refer to the following chart for specific topics.

Topic	See Page
Documenting the Use of Force	4-2
Report Writing Tip	4-7
Chapter Synopsis	4-10
Workbook Learning Activities	4-11

Documenting the Use of Force

[20.04.EO1]

Introduction

A peace officer's ability to clearly document the facts and activities of a use of force incident not only reflects on the officer's own professionalism, but also on the ability of the justice system to prosecute the criminal case or limit civil liability. Every use of force incident is different and may require different information.

Facts and circumstances are not limited to the written report. Other factors to be considered include:

- crime scene processing
 - evidence collections
 - photographs
 - witness and subject statements
 - medical records
-

“Objective reasonableness” standard

The U.S. Supreme Court has determined that the objective reasonableness for the use of force must be *fact specific*.

The reasonableness of an officer's use of force in the line of duty must be...

- | |
|---|
| <ul style="list-style-type: none">• judged from the <i>perspective of a reasonable officer</i>.• examined through the eyes of a reasonable officer on the scene <i>at the time the force was applied</i>. Not 20/20 hindsight.• based on the facts and circumstances confronting the officer <i>without regard to the officer's underlying intent or motivation</i>.• based on the knowledge that the officer <i>acted properly under the established law at the time</i>. |
|---|

In order for the officer's actions to be properly evaluated, the courts must rely on the documentation of all relevant factors.

Continued on next page

Documenting the Use of Force, Continued

Inadequate documentation

Peace officers may not clearly or adequately remember the specific details of an event. The most frequent reasons given for not including information include, but are not limited to:

- exhaustion/injury
- lack of time
- brevity is mandated
- trying to shorten the process by not including every application of force

It is imperative that *each* report be thorough and comprehensive, documenting all aspects of the use of force based on the officer's recollection.

It sometimes takes years before a case works its way through the court system. As time increases between the incident when force was used and any legal or civil action:

- an officer's memory may fade
- evidence may be destroyed
- a witness may be unavailable or cannot be located

Continued on next page

Documenting the Use of Force, Continued

Level of detail

To ensure that all the relevant information is included in their reports, officers need to be aware of the degree of detail required when documenting the use of force.

Precursory acts

Precursory acts are those events that led up to the encounter with the subject, including how the officer arrived at the scene as well as what observations helped the officer assess the situation.

Giving detailed information of the precursory acts provides the background information necessary to justify the use of force. Possible information includes, but is not limited to:

- establishing that the officer was acting in an official capacity
 - the wearing of an approved uniform that clearly identifies the officer as a peace officer
 - the mode of travel and whether or not the vehicle was clearly identifiable as a law enforcement vehicle
 - identification as a peace officer
 - the reason for the officer's presence
-

Subject behavior

Officers should describe the specific orders, commands, or requests that they gave to the subject. *Both* the officer's and the subject's responses and reactions to those commands should be documented, including direct quotes if possible.

Continued on next page

Documenting the Use of Force, Continued

Factors

Officers need to describe the factors between the subject and themselves that justify the use of force, including but not limited to:

- number of officers/subjects
- height and weight of each subject
- gender and age of each subject
- strength and fighting skills of each subject
- physical condition of each subject
- clothing (i.e., uniform with equipment vs. casual attire)
- stance of each subject (describe)

In addition to the subject's physical attributes, it is necessary to document the specific characteristics regarding the identification of a subject. Some characteristics include, but are not limited to:

- prior contact
 - obvious prison or gang tattoos
 - specific gang attire
 - access to potential weapons such as knives, boots, rings, or guns
-

Environment

Officers should observe and record details regarding the environment where the confrontation took place. This information includes, but is not limited to:

- physical environment where the contact took place (e.g., high crime area, etc.)
 - subject's potential to gain assistance or aid from friends or associates
-

Continued on next page

Documenting the Use of Force, Continued

Describing the type of force used

Officers need to be very clear regarding the type of force applied in given situations. This includes, but is not limited to:

- identifying techniques by their proper names and providing a written description
 - the effect or non-effect of the force technique used upon the subject
 - the rationale for adjusting and transitioning the level of force
 - communication before, during or after the use of force
-

Post-custody actions

After the subject has been taken into custody, peace officers should describe other actions such as, but not limited to:

- safe and effective adjustment of handcuffs
 - double locking the handcuffs (reduces the possibility of inflicting injury from handcuffs over-tightening)
 - obtaining first-aid or medical treatment for the subject and/or themselves when reasonably safe to do so
 - damage to their clothing (i.e., uniforms) and equipment
 - collection of evidence (what, where, and by whom)
-

Witness statements

Statements made immediately after the confrontation are often the most accurate since there is little time to become confused or let outside influences confuse the facts. Whenever possible, witnesses should be located and interviewed at the scene of the confrontation.

Use of a tape recorder or videotaping the statements of witnesses and subjects may be beneficial to the reporting officer.

NOTE: It is important to collect all statements including those persons who claim they did not see any part of the incident.

Report Writing Tip

Use of force

Use of force incidents are measured against a standard called “objective reasonableness” (*Graham vs. Conner*, 1989). It is imperative, therefore, for you to thoroughly understand this concept. Without a grasp of it, the effectiveness of your writing for this purpose will be diminished. Before reading further, review the “objective reasonableness” standard in this workbook (Learning Domain 20, *Use of Force*) student workbook or related DVD materials.

Specific fact patterns

When writing a “use of force” report, you must document all the facts and circumstances “at the moment” of the particular use of force. In other words; what specific fact patterns, observations or circumstances were apparent to you when you made the decision to use force?

First, begin by “setting the stage.” Document the type of call and all information known to you before and after the call. Second, describe each person involved in the force transaction which includes, but is not limited to, their physical traits, apparent mental and emotional state, objective symptoms (drugs/alcohol), weapons, etc. Third, document a chronological step-by-step detailed account of the force transaction. Most importantly, articulate how the force transaction interconnected with the primary objective of maintaining control. Fourth, think of your writing as a “video” that replays the event visually, mentally, emotionally and physically for others so it communicates what transpired effectively and clearly.

Set the stage

..I was on duty and in uniform. I was dispatched to John’s Liquor store at 2330 hours in regards to a WMA, 6-0', 250 lbs, 23-25 years old, wearing a blue jacket, white “tee” shirt and blue jeans. According to dispatch, an anonymous female (RP), who was leaving the Liquor Store, said the WMA (suspect) asked if she wanted to buy drugs. The RP said the suspect showed her a small plastic bag containing white powder...

Continued on next page

Report Writing Tip, Continued

Involved person(s)

...I arrived at John's Liquor store at 2335 hours. I approached on foot from approximately 50-yards north of the liquor store, which is located on the west side of the street. I saw (with an unobstructed view) the above-described suspect and ordered him to stop, but he continued to advance and repeated, "you're going down!" When the suspect came within about eight feet of me, I sprayed him directly in the face with a two-second burst of pepper spray. The suspect immediately dropped to his knees and started screaming, "You blinded me!"

Step by step account

...The suspect said in a loud voice, "What do you want?" I told the suspect I needed to ask him a couple of questions. The suspect clenched his hands into fists and raised his arms chest height and shouted, "You're going down!" The suspect started walking slowly toward me with his fists chest high. I ordered the suspect to stop, but he continued to advance and repeated, "You're going down!" When the suspect came within about eight feet of me, I sprayed him directly in the face with a two-second burst of pepper spray. The suspect immediately dropped to his knees and started screaming, "You blinded me!"...

Thinking questions

1. What additional and specific fact patterns should be expected in a use of force report?

 2. Why is it important that a use of force report be written in a way that shows what the officer was thinking and perceiving at the time of the force transaction?
-

Continued on next page

Report Writing Tip, Continued

The link

In every use of force transaction, give an accurate account of who did what within the circumstances that were apparent to you when you made the decision to use force.

NOTE: This is not all there is to know about how to write a use of force report. Additional training is needed in areas such as scene description, interviews, evidence, medical, etc. This “tip” is only intended as a starting point for further discussion or learning activities with your instructor to broaden your expertise in this critical area.

Chapter Synopsis

Learning need

When a force option has been employed, peace officers' reports must include critical information to ensure that the chronology, specifics of the events, and the people involved are properly documented.

Complete documentation
[20.04.EO1]

It is imperative that *each* report be thorough and comprehensive, documenting all aspects of the use of force.

Workbook Learning Activities

Introduction

In order to help you review and apply the material covered in this chapter, a selection of learning activities has been included. No answers are provided. However, by reviewing the different sections, you should be able to decide on an appropriate response.

Activity questions

1. A peace officer on foot patrol notices commotion on a busy street corner. Walking over, he finds that a large woman (approximately 5' 10" and 250 pounds) sitting in the street, obstructing traffic. As the officer approaches, he notices that the woman smells strongly of alcohol. When the officer states, "Please move out of the street, Miss," the woman becomes belligerent, shouting obscenities at the officer. As he is about to exercise a control hold, she strikes the 180 pound officer and begins to flail her arms and strike him repeatedly, calling him Jim and asking, "How could you do this to me?" (This later turns out to be her husband's name.) After enduring several strikes, the officer hits the woman in the legs once with his baton, throwing her off balance and subduing her. She is handcuffed and transported to an approved medical facility. Toxicology reports later show that the woman was under the influence of alcohol and PCP. The medical exam showed that the baton strike caused a hairline fracture in the woman's right tibia (lower leg). She is now suing the officer and the department for excessive use of force.

How could a well documented report help the officer in this civil case?
What advantage could witness statements offer?

Continued on next page

Workbook Learning Activities, Continued

Activity questions
(continued)

2. Next to each report element in the chart below, list the features of the scenario that you feel the officer should include in his report. Consider how each might support his choice of force option.

Precursory acts	
Subject behavior	
Physical characteristics	
Additional details about the subject	
Environment	
Type of force used	
Post-custody action	
Witness statements	

Chapter 5

Fear and Anger Management in the Use of Force

Overview

Learning need Peace officers must be ready to, and capable of, safely taking control of a dangerous situation.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to:	E.O. Code
<ul style="list-style-type: none">• discuss factors that can affect a peace officer's response when threatened with danger, to include:<ul style="list-style-type: none">- fear- reasonable- unreasonable- anger- indecision and hesitation	20.05.EO1
<ul style="list-style-type: none">• give examples of acceptable techniques for managing anger	20.05.EO4
<ul style="list-style-type: none">• describe the benefits of ongoing physical and mental training for peace officers involving the use of force	20.05.EO5

Continued on next page

Overview, Continued

In this chapter This chapter focuses on the emotional aspects of the use of force. Refer to the chart below for specific topics.

Topic	See Page
Fear and Anger Management in the Use of Force	5-3
Self Control	5-7
Role of Initial and Ongoing Training	5-14
Chapter Synopsis	5-17
Workbook Learning Activities	5-18

Fear and Anger Management in the Use of Force

[20.05.EO1]

Introduction

The objective of using force is to gain control of a person or situation. It is acceptable for a peace officer to take the initiative to confront a suspected law violator. The use of force by an officer is not one of hostility but rather one designed to defend and protect the community from criminal violence.

Authority to use force (reemphasis)

Any peace officer who has reasonable cause to believe the person to be arrested has committed a public offense may use reasonable force to affect the arrest, to prevent escape, or to overcome resistance. (*Penal Code Section 835a*)

Ethics

Reverence for the law is the basis for the use of reasonable force by peace officers. The rule of law is what distinguishes democracy from authoritarian control. The use of reasonable force is guided and restricted by ethics, law and agency policy. Officers study law and policy so they act lawfully and ethically; in confidence that they can withstand the test of public scrutiny.

Factors affecting the peace officer's response

When peace officers use force, there are several factors that can influence their actions and the outcome of the event. These include the officer's:

- attitude or prejudices toward any involved party (e.g., self, partner, bystander, subject, etc.)
 - insensitivity or arrogance, creating a negative emotional response
 - sincere and courteous behavior, reducing problems and danger associated with an arrest
 - life experience, past performance, training, etc.
-

Continued on next page

Fear and Anger Management in the Use of Force, Continued

Officer's use of force

Peace officers who use force are not considered hostile, but rather they are using it for the defense and protection of the community from criminal violence.

What constitutes reasonable force is dependent on the subject's actions. The subject's actions can be:

- cooperative
 - resistive
 - assaultive
 - life-threatening
 - passive non-compliance
-

Continued on next page

Fear and Anger Management in the Use of Force, Continued

Self-control

Self-control is one of a peace officer's greatest assets in dealing with a person or a situation.

Self-control:

- is a result of the development of confidence in one's skills
- also comes through training, practice, and experience
- improves decision making/reaction time

Self-control is maintaining composure to make sound judgments and decisions.

Some subjects can be controlled by the *peace officer's command presence*.

- Professional demeanor can have a positive influence on calming a subject, making it easier to take the subject safely into custody.
- Nonprofessional demeanor can easily lead to increased conflict, encouraging dangerous behavior by the subject and resulting in poor behavior on the part of the officer.

Continued on next page

Self Control

[20.05.EO1, 20.05.EO4]

Introduction

The use of force in dangerous situations may bring on emotional responses as well as physiological responses that officers must be prepared to recognize and manage.

Emotional responses

Two major emotional factors that officers need to focus on to maintain self control are:

- fear, an emotional response to a perceived threat
- anger, a feeling of displeasure from perceived opposition

It is important to understand fear and anger, since both can affect officers' reactions during a dangerous situation.

- Uncontrolled fear and anger tend to decrease the officers' ability to make sound judgments and decisions.
 - Uncontrolled fear and anger tend to increase hesitation, verbal abuse and unreasonable force.
-

Continued on next page

Self Control, Continued

Definition of fear

Fear is a normal emotional response to a perceived threat (real or unreal). Fear is normal and does not become a problem until it interferes with the ability to perform effectively.

Experiencing fear

Everyone has experienced the sensation of fear. It is unpleasant but normal, natural, and often necessary.

A person's fear changes with time and experience. Fear may alter alertness during stressful situations. Courage or bravery are not the lack of fear, but in fact, the control of fear.

Physiological reactions to fear

When a person experiences fear, the body reacts, often by an increase in adrenaline, heart rate, and breathing. In addition, some common body and mind responses to fear may include:

- blood clotting enzymes flow into the system to minimize damage from wounds
 - vision and hearing become more acute and focused (e.g., tunnel vision and tunnel hearing)
 - increased muscle tension and perspiration
 - raised pain thresholds
 - time distortion
 - color distortion
 - impaired fine motor skills
-

Continued on next page

Self Control, Continued

Types of fear

There are two types of fear: reasonable and unreasonable. The following chart explains the differences between the two.

Reasonable Fear	Unreasonable Fear
<ul style="list-style-type: none">• A controlled and legitimate fear• A mechanism that is necessary for officer safety based on perceived circumstances	<ul style="list-style-type: none">• Generated in the officer's mind with no direct correlation to facts and situations

Situations that may generate reasonable fear

Reasonable fear may result when an officer experiences increased tension in response to a potential threat.

The officer may experience **reasonable fear** as a result of:

- a sudden or erratic movement by a subject
 - the sight of a weapon in a subject's possession
 - the knowledge that a person is in danger of bodily harm
 - a sudden sound produced outside of the officer's field of vision
 - unresponsive, unexpected response to the officer's action
-

Situations that may generate unreasonable fear

Unreasonable fear includes overreactions to true potential threats as well as reactions to unreal threats based on prejudice or poor application of past experience.

Continued on next page

Self Control, Continued

Situations that may generate unreasonable fear (continued)

The officer may experience **unreasonable fear** as a result of:

- an emotional response to a traumatic event
 - generalization of past trauma (such as being bitten by a dog as a child or suffering a painful gunshot wound)
 - personal prejudice against people of a particular race, religion, ethnic group, etc.
 - overall anxiety as a result of uncertainty about one's own skills and expertise
-

Sources of unreasonable fear

Unreasonable fear can be responsible for inappropriate responses such as a failure to respond, or responding inappropriately (using unreasonable force).

There are several factors that can lead to unreasonable fear, some physical and some social. The following chart lists some types of fear.

Physical Source of Unreasonable Fear	Social Source of Unreasonable Fear
<ul style="list-style-type: none">• Personal physical harm• Phobias (e.g., claustrophobia)• Psychological (i.e., paranoia)	<ul style="list-style-type: none">• Racial, cultural, or religious-based• Responsibility for making critical decisions• Peer disapproval

Continued on next page

Self Control, Continued

Managing fear

It is normal for peace officers to experience fear whenever they encounter a potentially dangerous situation.

Discussing fears with others is one step toward managing fear. In addition, going through the mental rehearsal before an incident takes place (“what ifs”) as well as after-action assessments (“what could I have done differently”) will better prepare the officer in dealing with fear.

Other methods for managing fear include focusing on:

- what must be done and not solely on the danger itself
 - evaluating the situation and determining what must be done to achieve the goal
 - the survival phase in order to control the feeling of vulnerability
-

Continued on next page

Self Control, Continued

Definition of anger

Anger is a feeling of displeasure from perceived injury, mistreatment, or opposition, to one's self or to another person. When anger is inappropriate or out of control (i.e., rage), it becomes a liability.

Recognizing anger

Peace officers often act as if they should not have angry reactions to things they see or experience during the performance of their duties. Denying or suppressing anger for long periods may create emotional and physical problems.

Acceptable anger

To a certain extent, anger allows officers to be assertive. It even plays a small role in command presence.

Peace officers have reported that anger appropriately channeled has enabled them to keep fighting, or at least keep trying, during a crisis situation.

The emotional response of anger can either aid or hinder an officers' performance.

Identifying situations causing anger

It is important for peace officers to acknowledge and recognize that anger is a normal reaction. There are two types of situations that can provoke anger, as explained in the following chart.

Types	Anger-Provoking Situation
Universal	Being attacked or shot at
Personal	<ul style="list-style-type: none">• Individual sensitivities that may prompt a reaction (e.g., history, personality, etc.)• Emotional bruises and other sources of personal vulnerability

Continued on next page

Self Control, Continued

Managing anger

Few people can exercise effective emotional control when they are extremely angry. To avoid getting to this point, peace officers need to prepare themselves for dealing with anger. Some of these methods are listed in the following chart.

Managing anger by...	The peace officer needs to...
depersonalizing what people say or do.	recognize that the subject is reacting to the uniform and not to the person in the uniform.
identifying anger inducing scenarios.	visualize anger inducing situations (e.g., a child taking drugs, subject beating up partner, etc.).
developing problem-solving solutions.	practice mental rehearsals of different scenarios, do some role-playing, seek advice from more experienced officers, etc.
recognizing the onset.	control breathing, if appropriate take a step back from the situation.

Continued on next page

Self Control, Continued

Examples

Example:

Two peace officers made a vehicle stop after the driver ran a stop sign. As the driver came to a stop, one officer indicated to his partner that he thought he recognized the driver from his time in high school. As this officer made the initial contact, his partner noticed he remained polite, but his voice was more formal. As he returned to the patrol vehicle with the man's driver's license, he confided to his partner that this man had started the officer's own brother on a drug habit. The officer then delivered the citation in a matter-of-fact manner with no spare commentary. Talking it out for even a few minutes while the record check was done allowed the officer to control personal anger, some of which he had already directed, appropriately, into increased formality.

Role of Initial and Ongoing Training

[20.05.EO5]

Introduction

Proper training and practice are keys to dealing effectively with dangerous situations. They help develop confidence, promote a trained response, and enhance mental alertness and concentration as well as develop emotional control.

Response vs. reaction

Through continual training, officers can learn to discipline the mind to remain calm, flexible, and alert at all times and, to reduce reaction time.

<i>Trained responses...</i>	<i>Reactions may be...</i>
<ul style="list-style-type: none">• are less predictable to the subject than instinctual reaction.• are correctable.• are flexible (can be adjusted and customized).• can lead to increased self-control.	<ul style="list-style-type: none">• more predictable to the subject.• limited.• improper.• dangerous to the officer or others.

Continued on next page

Role of Initial and Ongoing Training, Continued

Training and practice

Training and practice in both physical and emotional skills provide the understanding and manipulative ability needed by a peace officer in the use of force in potentially dangerous situations.

The following chart highlights what an officer gains from training and what may happen without it:

Training and practice can help attain...	Lack of and inadequate practice may result in...
confidence in an officer's abilities. Officers gain essential confidence in themselves to respond appropriately and apply the use of force effectively to gain control of subjects and situations.	lack of confidence. Lack of confidence can seriously affect officers ability to control their own physical and emotional instinctive reactions.
correct responses. The ability to make split-second decisions may mean the difference between life and death. Officers must be prepared at all times to respond quickly and effectively to any potential threat.	incorrect reactions. Not being able to respond correctly may cause an officer to overreact or under react. This can cost the officer's life or the lives of innocent people.

Continued on next page

Role of Initial and Ongoing Training, Continued

Training and practice (continued)	Training and practice can help attain...	Lack of and inadequate practice may result in...
	<p>mental alertness and concentration.</p> <p>By staying alert and able to concentrate under all types of conditions, officers will be able to keep their minds on the situation and maintain awareness.</p>	<p>panic.</p> <p>Panic is the total and absolute loss of control. Panic in crisis situations will render officers incapable of applying the correct and necessary defensive action for the situation.</p>
	<p>control over body and emotions.</p> <p>Control of emotions will enhance an officer's mental as well as physical ability to act properly. Physical control will increase an officer's self-confidence and help further develop emotional control.</p>	<p>loss of control over body and emotions.</p> <p>When officers lose control of themselves they may lose control of the situation.</p>

NOTE: Without proper, adequate, and continual training, physical skills deteriorate.

Officer responsibility Training and ongoing practice are a personal and agency responsibility. Officers must seek training and maintain their level of skill throughout their entire career.

Chapter Synopsis

Learning need Peace officers must be ready to and capable of safely taking control of a dangerous situation.

Factors that affect an officer's responses Two major emotional factors that officers need to focus on during their training:

[20.05.EO1]

- fear, an emotional response to a perceived threat
 - reasonable
 - unreasonable
 - anger, a feeling of displeasure from perceived opposition
 - indecision
 - hesitation
-

Techniques for managing anger
[20.05.EO4]

Few people can exercise effective emotional control when their anger is near the top of the scale. To avoid getting to this point, peace officers need to prepare themselves for dealing with anger-inducing events.

Ongoing training in preparation to use force
[20.05.EO5]

Training and practice in both physical and emotional skills provides the understanding and manipulative ability needed by a peace officer in the use of force in dangerous situations.

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

5. From an emotional and mental standpoint, why is it important for officers to engage in ongoing training and practice of their skills? How could lack of training affect fear and anger responses in a peace officer?

Chapter 6

Consequences of Unreasonable Force

Overview

Learning need Peace officers must recognize the consequences of using unreasonable force, and their legal and ethical responsibilities to intervene if the force being used by another peace officer is inappropriate or unlawful.

Learning objective The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to:	E.O. Code
<ul style="list-style-type: none">• explain the legal and administrative consequences associated with the use of unreasonable force	20.06.EO4
<ul style="list-style-type: none">• explain an <i>agency's</i> potential liability associated with the use of unreasonable force	20.06.EO5
<ul style="list-style-type: none">• explain the consequences of an officer's failure to intervene when unreasonable force is used by another peace officer	20.06.EO6
<ul style="list-style-type: none">• discuss immediate and delayed intervention techniques.	20.06.EO7
<ul style="list-style-type: none">• discuss factors that may inhibit a peace officer from intervening in a situation where a fellow officer may be applying unreasonable force	20.06.EO8

Continued on next page

Overview, Continued

In this chapter This chapter focuses on the consequences of unreasonable force. Refer to the chart below for specific topics.

Topic	See Page
Peace Officer and Agency Liability	6-3
Basis for Intervention	6-7
Intervention Techniques	6-10
Factors Affecting Intervention	6-14
Chapter Synopsis	6-16
Workbook Learning Activities	6-17

Peace Officer and Agency Liability

[20.06.EO4, 20.06.EO5]

Introduction

Society imposes a tremendous burden upon peace officers when it grants, by statute, permission to use deadly force.

Reasonable force

Peace officers who make or attempt to make an arrest need not retreat or desist from their efforts because of resistance or threatened resistance from the person being arrested. They are not considered the aggressor nor do they lose the right of self-defense when they use force to:

- effect an arrest
- prevent escape
- overcome resistance

Justification for the use of force is limited to what is known or perceived by the officer *at the time*. Facts discovered after the event, no matter how compelling, cannot be considered in determining whether the force was justified or not.

Objective of force application

The objective for the use of force by peace officers in any situation is to gain or maintain **control of an individual and the situation**. As conditions change, officers must constantly reevaluate force options.

Peace officers are required to:

- use force only when authorized to do so (e.g., to overcome resistance to a lawful process)
 - use the type of force which is reasonable under the circumstances
 - use reasonable force to overcome resistance and to gain or maintain control
 - use the amount and type of force which is permitted by agency policy
-

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Peace Officer and Agency Liability, Continued

Unreasonable force

Unreasonable force occurs when the type, degree, and duration of force employed was not necessary or appropriate.

Consequences of unreasonable force

Malicious assaults and batteries committed by peace officers constitute unlawful conduct. When the force used is unreasonable, the officer can face criminal and civil liability, and agency disciplinary action.

The following chart highlights a number of these consequences:

Consequence	Officers may...
Criminal action	face criminal charges for unreasonable use of authority or force.
Civil lawsuits	face compensatory and punitive damages.
Civil rights violation	be held accountable for civil rights violations.
Administrative or agency action	be subject to disciplinary actions including dismissal.
Moral impact	suffer the consequences of guilt and embarrassment.

Continued on next page

Peace Officer and Agency Liability, Continued

**California
statutes
regarding
officer
behavior**

In the *Penal Code Section 149*, there are a number of statutes that regulate the behavior of peace officers.

The following chart lists some of these statutes:

Description	<i>Penal Code Section</i>
Every officer who is guilty of willful inhumanity or oppression toward any prisoner under his care is punishable by a fine not exceeding four thousand dollars (\$4,000) and by removal from office.	<i>147</i>
Every public officer who, under color of authority and without lawful necessity, assaults or beats any person, is punishable by a fine not exceeding ten thousand dollars (\$10,000) or by an imprisonment in the State prison or in a county jail not exceeding one year or by both fine and imprisonment.	<i>149</i>
A public officer's removal for neglect or violation of official duty; discretion of the court.	<i>661</i>
It shall be unlawful to aid, abet, attempt, or apply cruel, corporal, or unusual punishments in reformatories, institutions, jails, state hospitals, or any other state, county, or city institution.	<i>673</i>

Continued on next page

Peace Officer and Agency Liability, Continued

Federal law regarding officer behavior

There are two sections of the United States Code that address an officer's unlawful action:

Description	U.S. Code Section
Peace officers are prohibited from depriving citizens of their rights under the color of the law. If death results, officers may be punished by life imprisonment.	<i>Title 18, Section 242 (Criminal)</i>
Peace officers are prohibited from depriving citizens of their rights under the color of authority.	<i>Title 42, Section 1983 (Civil)</i>

Vicarious liability

The unreasonable use of force by an officer can discredit and result in loss of public support to an officer's agency.

Vicarious liability holds an agency responsible for the conduct of its officers while acting within the scope of their authority. The agency can be:

- liable under Federal civil rights laws
- sued for negligent or inadequate training or failure to supervise adequately

Example: An officer uses unreasonable force by applying a Carotid Restraint Control Hold and has not been trained in this type of control hold.

Failure to Intervene

[20.06.E06]

Introduction

The community expects that its peace officers will use reasonable force, and peace officers will intervene if reasonable force is exceeded. For the community and the officer's protection, the officer must know the laws pertaining to intervention.

This intervention may take the form of one or more of the following actions:

- strongly caution the other officer
 - physically restrain the other officer
 - immediately report the incident
-

Definition

Intervention is the act of attempting to prevent or attempting to stop the inappropriate or unlawful behavior of another.

An officer may face both criminal or civil liability and disciplinary action if they fail to intervene and prevent other officers from violating anyone's constitutional rights if they had reason to know and an opportunity to act. *US v Koon*, 34F. 3d 1416at 1447 (9th Cir., 1994); *Cunningham v Gates*, 229F.3d 1271 at 1289-1290 (9th Cir., 2000)

Continued on next page

Failure to Intervene, Continued

Necessity for intervention

Intervention is necessary because:

- it is required by law
 - it is morally and ethically correct
 - personal integrity demands it
 - it enhances officer safety
 - it preserves professionalism and supports the law enforcement mission
 - it strengthens public confidence in the law enforcement profession and the individual agency involved
 - it reduces personal and agency liability because it results in fewer:
 - physical injuries arising from unreasonable force
 - disciplinary actions and personal complaints
 - criminal complaints filed against officers
 - civil liability suits, including fewer punitive financial judgments against individual officers
-

Fourth amendment protections

The United States Constitution protects individuals from unlawful actions of peace officers.

NOTE: The officer who fails to intervene, for whatever reason, is also held accountable by the United States Code.

Continued on next page

Failure to Intervene, Continued

Lawful resistance

Although *Penal Code Section 834(a)* states that the person being arrested must submit to an arrest, if unlawful or unreasonable force is used to effect the arrest, the person being arrested may lawfully resist to overcome that force.

The following chart lists the applicable penal code sections:

Description	<i>Penal Code Section</i>
Lawful resistance to the commission of a public offense may be made by the party about to be injured or by other parties.	692
Resistance sufficient to prevent the offense may be made by the party about to be injured to prevent an offense against his person, or his family or some member thereof. To prevent an illegal attempt by force to take or injure property in his lawful possession.	693
Any other person, in aid or defense of the person about to be injured, may make resistance sufficient to prevent the offense.	694

Intervention Techniques

[20.06.E07]

Introduction

Intervention may involve the application of techniques for restoring or maintaining professional control. In some situations it may be necessary to intervene immediately. In others, it may be desirable to utilize an intervention strategy after the fact.

Immediate intervention

During a high-stress situation such as making an arrest, peace officers may experience emotional reactions towards the subject. As a result, they may use unreasonable force without realizing what they are doing. At this point it is imperative that a fellow officer intervene immediately to diffuse the situation.

There are three common immediate intervention techniques listed in the following chart:

Intervention Technique	Example	
	Situation	Solution
Verbal	Peace officer is becoming agitated, angry, or appears to be losing professional objectivity during a contact.	Fellow officer offers to assist by saying, "Let me take care of this one, okay?"
Physical/touch	Peace officer is engaged in a heated verbal confrontation with a subject and is starting to become increasingly agitated.	Fellow officer lightly touches the peace officer on the shoulder and offers a tactful reminder to calm down or offers to take over.
Restraint	Peace officer is using unlawful or unreasonable physical force.	Fellow officer physically takes hold of the other officer in order to separate the peace officer from the subject. Intervention must include immediate reporting.

Continued on next page

Intervention Techniques, Continued

Delayed intervention

In situations that have already taken place, it may be necessary to implement a delayed intervention technique. This can be valuable in improving the professional quality of future contacts.

There are three common delayed intervention techniques, listed in the following chart:

Intervention Technique	Example	
	Situation	Solution
Discussion	Peace officer is verbally condescending to someone.	Fellow officer discusses the improprieties of such behavior; this is professionally beneficial.
Admonishment	Peace officer uses inappropriate or demeaning language in contacts with the public.	Fellow officer informs peace officer that this type of behavior is not acceptable, and could likely provoke or escalate the conflict.
Training	Peace officer is having consistent difficulty during contacts with a certain group.	Fellow officer suggests that additional training be pursued. Effective training occurs when an officer consistently demonstrates desirable behaviors.

Duty to report

When unreasonable force is used on a person justifiably or unjustifiably arrested, it is a constitutional violation by the officer who had reasonable opportunity to intervene and did not.

Continued on next page

Intervention Techniques, Continued

Examples

Situation	Subject's/Victim's Action(s)	Type of Intervention
<p>Officers Jones and Smith worked a two-person DUI unit. They stopped a driver for suspicion of DUI.</p>	<p>The driver failed the FST's and was told he would be arrested. The driver was compliant but did not wish to be cuffed.</p>	<p>Immediate intervention: Officer Jones saw that Officer Smith was moving into position to apply a carotid restraint. Officer Jones felt a control hold was safer and more reasonable. Officer Jones applied a front wrist lock on the driver and received immediate compliance. Officer Jones moved into a cuffing maneuver and quickly cuffed the driver.</p>
		<p>Delayed intervention: Officer Smith immediately struck the driver with her impact weapon. The driver was later booked without incident. Officer Jones later discussed with Officer Smith the entire incident. Officer Jones asked Officer Smith why she hit the driver with her impact weapon instead of using a control hold. Officer Smith stated that other options were overlooked. Officer Jones then reported the incident to the supervisor.</p>

Continued on next page

Intervention Techniques, Continued

Examples
(continued)

Situation	Subject's/Victim's Action(s)	Type of Intervention
<p>Officers respond to a call about a suspected burglary at a residence.</p>	<p>While investigating the burglary report call, the victim begins to verbally chastise the officers for taking too much time to respond. While listening to this, the officers see a man run out of the back of the house; the officers give chase.</p>	<p>Immediate intervention: Upon catching the subject, Officer Wong knocks the subject to the ground; the subject went limp and was lying in a fetal position. Officer Kwan arrived as Officer Wong was about to kick the subject. Officer Kwan stepped between Officer Wong and the subject preventing Wong from kicking the subject.</p>
		<p>Delayed intervention: Upon catching the subject, Officer Wong knocks the subject to the ground; the subject went limp and was lying in a fetal position. As Officer Kwan arrived, she saw Officer Wong kick the prisoner two times then assisted with handcuffing. Later Officer Kwan reported the incident to the supervisor.</p>

Factors Affecting Intervention

[20.06.EO8]

Introduction

Although peace officers are legally and ethically required to intervene when they observe inappropriate behavior by a fellow officer, personal and psychological reasons may prevent them from intervening.

Factors to intervening

Peace officers may fail to take action when a fellow officer is behaving inappropriately because of several factors. The following chart lists both the personal and psychological factors that may prevent intervention; however, these are not the only factors.

Officers might not intervene because of...	They might think...
transfer of responsibility.	“Somebody else will step in any minute now.”
rationalization.	“Nobody else is doing anything so maybe I am just misunderstanding the situation and nothing is really wrong.”
self doubt.	“What if I’m wrong? What will everyone think of me if I step in and do something?”

Continued on next page

Factors Affecting Intervention, Continued

**Personal/
psychological
factors**

Personal Factors	Psychological Factors
<ul style="list-style-type: none"> • Unfamiliar with fellow officer • Inexperience with proper action to remedy the situation • Feeling that intervention is someone else's responsibility • Peer pressure • Personal problems • Fearing consequences, such as being ostracized • Fear of reaction from senior officers, field training officers, or supervisors 	<ul style="list-style-type: none"> • Erroneous notion of how peace officers should behave (perhaps from movies and television) • Fear may play a significant part in the behavior of the observing officer

**Consequence
of not
intervening**

Peace officers are encouraged to use their own judgement and to trust their “gut” instinct (i.e., common sense). If one’s instinct indicates that a situation is wrong, then it is important not to second guess themselves based upon the behavior of others in the area. Officers could suffer one of the following if they don’t intervene:

- increased stress
 - embarrassment
 - civil/criminal action
 - disciplinary action
 - loss of career
-

Chapter Synopsis

Learning need Peace officers must recognize the consequences of using unreasonable force, and their legal and ethical responsibilities to intervene if the force being used by another peace officer is inappropriate or unlawful.

Peace officer liability [20.06.EO4] Justification for the use of force is limited to what is known or perceived by the officer *at the time*. Facts discovered after the event, no matter how compelling, cannot be considered in determining whether the force was justified or not.

Agency liability [20.06.EO5] The vicarious liability holds an agency responsible for the conduct of its officers while acting within the scope of their authority.

Failure to intervene [20.06.EO6] Peace officers are required by their position to intervene in any force situation they perceive as excessive. This intervention may take the form of one or more actions.

Intervention techniques [20.06.EO7] The three common immediate intervention techniques are: verbal, physical/touch and restraint.

The three common delayed intervention techniques are: discussion, admonishment and training.

Inhibitions to intervene [20.06.EO8] Peace officers may fail to take action when an officer is behaving inappropriately. There are personal and psychological factors that may prevent an officer from intervening in inappropriate behavior.

Workbook Learning Activities

Introduction

To help you review and apply the material covered in this chapter, a selection of learning activities has been included. No answers are provided. However, by referring to the appropriate text, you should be able to prepare a response.

Activity questions

1. Consider your current best friend and then picture that person as a fellow peace officer and partner. Assume you and your partner make a series of routine traffic stops over the course of the day in a largely Hispanic area of town. After several stops you've noticed your partner's demeanor when dealing with Hispanics is less professional than when dealing with other cultures. In fact, your partner is making many derogatory comments about Hispanic subjects, generally directed to you and out of their earshot. At this point you have made no attempt to intervene to address his inappropriate remarks. As the day continues, your partner has now become directly verbally abusive of any Hispanic subject, and still, you have not intervened. When the next person stopped is a Hispanic woman, what intervention might you attempt? What sort of delayed intervention might help your partner retain professionalism and respect? Given your personal relationship, what difficulties or advantages might be involved with intervening?

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

2. In effecting an arrest for possession with intent to sell methamphetamine, the experienced officer is acting as the contact officer and the newer officer as cover. The subject passively resists the contact officer's command by looking away and actively resists the officer's attempts to remove his hands from his pockets by locking his elbows. Aggravated, the contact officer uses a Carotid Restraint Control Hold. The cover officer takes no action. The contact officer incorrectly applies the hold and the subject dies. How could the cover officer have intervened to prevent this situation? What might have prevented her from making this intervention? At this point, who may be considered legally liable for the death of the subject?

Continued on next page

Workbook Learning Activities, Continued

Activity questions (continued)

3. Peace officers arrive on the scene where a group of protestors are blocking the entrance to a local business. When the female officer directs the group to move away from the entrance to allow patrons to enter, a male protestor replies, “Yea, what you going to do about it, honey?” At this remark, the officer strikes the man in the abdomen with her baton, knocking him back against the building. Has the officer used unreasonable force at this point? Explain your answer.

If the force used is deemed unreasonable by the officer’s agency, what consequences could she suffer? If the man who was struck chooses to pursue legal action, what impact might this have on the officer and the agency? If you were a witness to this scene, how might it affect your views of peace officers as public servants and resources?

4. If, after recovering from the baton blow, the man in the previous scenario pulled out a knife and threatened the officer, how would it affect the officer’s original liability? Explain your response.

Continued on next page

Workbook Learning Activities, Continued

Student notes

Glossary

Introduction **The following glossary terms apply only to Learning Domain 20: Use of Force.**

anger A feeling of displeasure from perceived injury, mistreatment, or opposition, to ones self or to another person

control As it relates to defensive tactics, means maintaining composure to make sound judgments and decisions

deadly force A force likely to cause death or serious bodily injury

fear A normal emotional response to a perceived threat (real or unreal)

force options Choices available to a peace officer in each agency's policy to overcome resistance, effect arrest, prevent escape, or gain control of the situation

imminent danger A significant threat which persons reasonably believe will result in death or serious bodily injury to themselves or to other persons

intervention The act of preventing or stopping the inappropriate or unlawful behavior of another *US v Koon*, 34F.3d 1416 at 1447 (9th Cir., 1994)

Continued on next page

Glossary, Continued

**objectively
reasonable**

The court noted that determining the objective reasonableness for the use of force must be fact specific (*Graham v Connor*, 490 us. 386, 109 S ct. 1865) (1989)

panic

The total loss of emotional and physical self-control. A sudden, unreasoning, hysterical fear of events that led up to the encounter with the subject

**precursory
acts**

Events that led up to the encounter with the subject, including how the officer arrived at the scene as well as what observations helped the officer assess the situation

**reasonable
force**

Is a term for how much and what kind of force a peace officer may use in a given circumstance

**reasonable
necessity**

Delay in apprehension would create substantial and unreasonable risk to officers or others possibly resulting in serious physical injury or death

**reasonable
officer**

Would another officer with like or similar training and experience, facing like or similar circumstances, act in the same way or use similar judgement? (*Graham v. Connor*, 490 U.S. 386, 109 S. Ct. 186) (1989)

Continued on next page

Glossary, Continued

self-control

Maintaining composure to make sound judgements and decisions

**serious
bodily
harm or
injury**

A serious impairment of physical condition, including, but not limited to, the following: loss of consciousness, concussion, bone fracture, protracted loss or impairment of function of any bodily member or organ, a wound requiring extensive suturing, and serious disfigurement (*Penal Code Section 243(f)(4)*)

**unreasonable
force**

The type, degree, and duration of force employed was not necessary or appropriate

Basic Course Workbook Series Student Materials

**Learning Domain 21
Patrol Techniques
Version 4.1**

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THE ACADEMY TRAINING MISSION

The primary mission of basic training is to prepare students mentally, morally, and physically to advance into a field training program, assume the responsibilities, and execute the duties of a peace officer in society.

FOREWORD

The California Commission on Peace Officer Standards and Training sincerely appreciates the efforts of the many curriculum consultants, academy instructors, directors and coordinators who contributed to the development of this workbook. The Commission extends its thanks to California law enforcement agency executives who offered personnel to participate in the development of these training materials.

This student workbook is part of the POST Basic Course Training System. The workbook component of this system provides a self-study document for every learning domain in the Basic Course. Each workbook is intended to be a supplement to, not a substitute for, classroom instruction. The objective of the system is to improve academy student learning and information retention.

The content of each workbook is organized into sequenced learning modules to meet requirements as prescribed both by California law and the POST Training and Testing Specifications for the Basic Course.

It is our hope that the collective wisdom and experience of all who contributed to this workbook will help you, the student, to successfully complete the Basic Course and to enjoy a safe and rewarding career as a peace officer serving the communities of California.

A handwritten signature in black ink, appearing to read 'Paul Cappitelli', with a stylized flourish at the end.

PAUL CAPPITELLI
Executive Director

LD 21: Patrol Techniques

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Preface

Introduction

Student workbooks

The student workbooks are part of the POST Basic Course Instructional System. This system is designed to provide students with a self-study document to be used in preparation for classroom training.

Regular Basic Course training requirement

Completion of the Regular Basic Course is required, prior to exercising peace officer powers, as recognized in the California Penal Code and where the POST-required standard is the POST Regular Basic Course.

Student workbook elements

The following elements are included in each workbook:

- chapter contents, including a synopsis of key points,
 - supplementary material, and
 - a glossary of terms used in this workbook.
-

How to Use the Student Workbook

Introduction

This workbook provides an introduction to the training requirements for this Learning Domain. It is intended to be used in several ways: for initial learning prior to classroom attendance, for test preparation, and for remedial training.

Workbook format

To use the workbook most effectively, follow the steps listed below.

Step	Action
1	Begin by reading the: Preface and How to Use the Workbook, which provide an overview of how the workbook fits into the POST Instructional System and how it should be used.
2	Refer to the Chapter Synopsis at the end of each chapter to review the key points that support the chapter objectives.
3	Read the text.
4	Complete the Workbook Learning Activities at the end of each chapter. These activities reinforce the material taught in the chapter.
5	Refer to the Glossary for a definition of important terms. The terms appear throughout the text and are bolded and underlined the first time they appear (e.g., <u>term</u>).

Chapter 1

Basic Concepts of Law Enforcement Patrol

Overview

Learning need To safely and effectively fulfill their duties of public protection and service, peace officers must be able to develop appropriate law enforcement patrol strategies under a wide variety of circumstances and conditions.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to...	E.O Code
<ul style="list-style-type: none">• discuss patrol strategies officers may employ to provide protection and service within their assigned areas of patrol, to include:<ul style="list-style-type: none">- preventative- directed enforcement	21.01.EO1
<ul style="list-style-type: none">• discuss considerations for selecting a patrol strategy.	21.01.EO2
<ul style="list-style-type: none">• select appropriate actions for peace officers who are conducting security checks.	21.01.EO4
<ul style="list-style-type: none">• distinguish between the roles and responsibilities of contact and cover officers.	21.01.EO7
<ul style="list-style-type: none">• select appropriate actions officers should take to maintain their own safety and the safety of others while on patrol.	21.01.EO8

Continued on next page

Overview, Continued

In this chapter This chapter focuses on other background information pertaining to patrol strategies. Refer to the chart below for specific topics.

Topic	See Page
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Basic Patrol Concepts

[21.01.EO1, 21.01.EO2]

Introduction Community patrol is one of the most frequent assignments a uniformed officer will perform.

Leadership Uniformed officers, whether in a car, on bicycle, motorcycle, horseback, or on foot are mobile, visible and the most likely members of an agency to have contact with the community. Uniformed officers respond to calls, work on problems, initiate positive contacts, and are, in large measure, the image of the agency. Officers' demeanor and their interactions with the community they serve will determine how the entire agency is viewed.

Ethics The Constitution and Bill of Rights apply to everyone. Making assumptions and stereotyping a whole neighborhood by assuming that everyone who lives in a troubled area or neighborhood is suspect is wrong. Don't assume that everyone living in or near a troubled area is suspect. People must be treated as individuals and assumed "innocent until proven guilty."

Community policing People *do* care and want peace officers to help them to maintain a high quality of life. Patrol officers have a stake in their assigned areas. Community members care about their neighborhood and need patrol officers to help them keep it safe. There is a joint responsibility for this job. Where there is a low tolerance for litter, graffiti, speeding, and public disturbance, the message is clear that people care.

Continued on next page

Basic Patrol Concepts, Continued

Fundamental elements of patrol

Effective law enforcement patrol is made up of two fundamental elements: protection and service.

Fundamental Element	The community expects that law enforcement patrol officers will:
Protection	<ul style="list-style-type: none">• provide public safety, and isolation from criminal activity.
Service	<ul style="list-style-type: none">• address the public's concerns and needs efficiently and professionally.

Knowledge of assignment area

In order to provide protection and service, officers must acquire knowledge of the beat they have been assigned to patrol. Such knowledge includes not just knowing the basic layout and makeup of the area, but also recognizing locations within the area that may require the officers' specific attention.

The following table lists examples within their specific assignments which officers should become familiar.

Continued on next page

Basic Patrol Concepts, Continued

Knowledge of assignment area
(continued)

Areas where...	Examples
criminal acts may occur	<ul style="list-style-type: none"> • Shopping centers (e.g., purse snatches, auto burglaries, etc.) • School grounds (e.g., narcotics activities, child molesters, etc.) • Bars, night clubs, and other locations of nightlife activities • Bus stops, convenience stores, isolated restaurants or bars, • and other poorly lit areas with pedestrian traffic • Abandoned buildings (e.g., arson)
disturbances may occur	<ul style="list-style-type: none"> • Youth gathering spots such as: <ul style="list-style-type: none"> - recreation centers or school events - amusement centers - public parks and beaches - sporting events - secluded “drinking spots” (e.g., “lover’s lane,” wooded locations, etc.)
	<ul style="list-style-type: none"> • Adult congregations such as: <ul style="list-style-type: none"> - bars or coffee shops - sporting events - concerts - public parks and beaches - family/community celebrations - churches - swap meets - motorcycle rallies
	<ul style="list-style-type: none"> • Community meetings involving: <ul style="list-style-type: none"> - emotional issues or negative public sentiment - public political debates

Continued on next page

Basic Patrol Concepts, Continued

Knowledge of assignment area
(continued)

Areas where...	Examples
public safety hazards may exist	<ul style="list-style-type: none"> • Poor road conditions such as: <ul style="list-style-type: none"> - dirt roads - poorly marked dead-end streets - inadequate lighting or traffic signs - streets with potholes • Construction sites • Chemical and industrial plants and storage facilities • Ponds, rivers, lakes, or beaches used for fishing, swimming, or other water recreation
there is a potential for natural disaster	<ul style="list-style-type: none"> • Man-made dams susceptible to seepage or erosion • Low lying areas that can easily flood • Earthquake-prone zones • Hillsides with a potential for mud or rock slides • Open fields susceptible to fire during dry periods • Areas prone to fog or other weather related conditions

Continued on next page

Basic Patrol Concepts, Continued

Patrol strategies

Officers may employ two basic patrol strategies to provide protection and service within their assigned patrol area.

Strategy	Primary Objective	Example
Preventative patrol	<ul style="list-style-type: none">To be highly visible in order to discourage occurrences of unlawful or problem activity	Conducting visible patrols through a parking structure where there have been a large number of auto thefts with the intention of dissuading potential thieves from stealing cars
Directed enforcement patrol	<ul style="list-style-type: none">To concentrate patrol activities on particular circumstances, persons or problem areas	Hiding from view and maintaining surveillance of a parking structure where there have been a large number of auto thefts with the intention of arresting a car thief in the act of stealing a car

Continued on next page

Basic Patrol Concepts, Continued

Trained observer

No matter what patrol strategy is deployed, officers on patrol must rely on their own observation and perception skills.

Officers must function as **trained observers**. Officers on patrol are expected to:

- practice disciplined *observation*, and
 - apply their training and experience to accurately *perceive* what is occurring or is about to occur.
-

Observation

To an officer, **observation** means the ability to gather information by noting facts or occurrences with a heightened sense of awareness.

While on patrol, officers must use not only their eyes, but all of their senses including hearing, smell, etc., to obtain information from the outside world.

Observation can be enhanced by:

- training (*knowing what to look for*),
 - experience (*knowing where and when to look for it*), and
 - a variety of special tools. (e.g., binoculars, night vision scopes, etc.)
-

Continued on next page

Preventative Patrol

[21.01.EO1, 21.01.EO4]

Introduction

Preventative patrol strategies provide protection from criminal activity. It has been consistently demonstrated that visible law enforcement presence can reduce criminal activity.

Preventative patrol techniques

To be an effective deterrent to crime, law enforcement presence should be highly visible within the community, especially in areas that are high risk crime targets. Preventative patrol actions include:

- maintaining a law enforcement presence and visibility within the community,
 - conducting frequent security checks of high-risk targets and businesses, and
 - conducting checks of persons who may be involved in suspicious activities.
-

Security checks

There are three fundamental objectives when conducting security checks of businesses, residences and other structures.

- To help the officer remain knowledgeable about the specific structure or area (e.g., layout, normal activity in and around the area, normal conditions of the structure, etc.).
 - To discover any suspicious activity or evidence of criminal activity (e.g., burglary).
 - To enhance community relations by maintaining high visibility.
-

Continued on next page

Preventative Patrol, Continued

Conducting security checks

When conducting security checks, officers should:

- cover as much of their assigned area as possible including secondary thoroughfares (e.g., alleys, walkways, parking areas, etc.) as well as primary streets,
 - pay extra attention to high crime risk areas,
 - vary patrol patterns and routines to prevent predictability,
 - employ appropriate investigative tactics and equipment (e.g., use of spotlights, flashlights, alley lights, etc.), and
 - implement additional patrol methods whenever possible (e.g., foot patrol, bicycle patrol, etc.).
-

Continued on next page

Preventative Patrol, Continued

Indications of criminal activity

During a security check, officers prevent crime by their presence and find opportunities to detect criminal activity.

When checking structures, officers should...	Examples
look for signs of property damage and/or forced entry.	<ul style="list-style-type: none">• Broken windows• Open doors• Pry marks around windows or doors• Broken equipment• Cut phone or power lines
look for unusual conditions.	<ul style="list-style-type: none">• Lights off that are normally on• Activities during nonbusiness hours• Presence of suspicious vehicles• Persons involved in suspicious activity• Persons not in appropriate locations (e.g. no clerk(s) at convenience store counter)
check access areas.	<ul style="list-style-type: none">• Areas around the structure• Access to the roof

NOTE: For additional information regarding indicators and law enforcement actions related to potential criminal activity, refer to LD 23: *Crimes in Progress*.

Directed Enforcement

[21.01.EO1]

Introduction

Realistically, officers cannot simultaneously cover all parts of their assigned geographic areas. Use of a directed enforcement patrol strategy can target areas where problems are likely to occur by concentrating patrol activities on particular circumstances.

Determining target areas

A thorough knowledge of the (1) area of assignment and (2) available resources is necessary to be able to respond to locations where problems are likely to occur.

NOTE: Your agency's crime analysis unit may be able to provide information on day-of-week and time-of-day patterns for criminal activity, suspect and victim profiles, parolee information, field interview patterns and calls-for-service patterns just to name some of the information that can help an officer make an informed decision on where to patrol, and what suspect activity to look for.

Personnel and equipment

When employing a directed enforcement strategy, personnel and equipment can be deployed depending upon specific crime patterns or service needs.

For example:

- undercover officers may be assigned to foot patrol in an area that has recently had a high number of violent crimes.
- additional law enforcement vehicles may be assigned to patrol an area that is plagued by a cruising problem (e.g. bicycles, horses, etc.).
- investigative and enforcement efforts may be directed toward an area that has a high amount of drug activity.

NOTE: For additional information on directed patrol activities, please refer to LD 3: *Policing in the Community*, Chapters 1 and 3.

Continued on next page

Directed Enforcement, Continued

Examples

Example:

On weekend nights hundreds of juveniles gathered to “cruise” and “hang out” in the downtown area of a city. This created many law enforcement problems for officers assigned to the area. A plan was devised so that officers were deployed into three groups: uniformed foot-patrol, uniformed vehicle-patrol, and plainclothes officers. Officers on foot patrol handled problems associated with drinking, fights, vandalism, etc. Officers in vehicles handled most of the traffic violations. Plainclothes officers acted as observers and relayed information to the uniformed officers who then responded. Careful planning and effective coordination enabled the officers to respond effectively to problems as they occurred.

Example:

An officer learned that a dance was to take place at a club located on her beat. The dance would attract teenagers from all over the city and, although alcohol was prohibited, there was a potential for offsite drinking. The officer made a point of frequently cruising by the club during the evening to observe and to promptly respond to any problems.

Contact and Cover Officers

[21.01.E07]

Introduction

The first officer on scene must take a leadership role for the initial assessment, making contact with the involved parties, and determining if law enforcement action is required. To accomplish these tasks safely, this officer may need to rely on additional support from one or more officers.

Definitions

The **contact officer** is the officer initiating an action who becomes responsible for conducting the contact.

The **cover officer** is the officer responsible for surveillance and control of a suspect in order to free the contact officer to perform a thorough investigation.

NOTE: Officer safety is a primary responsibility of all peace officers at all times. The contact officer should never rely *solely* on the cover officer for protection.

Cover and concealment

“Cover” is a term often associated with combat tactics. Under such conditions, **cover** refers to anything that may *stop* or *deflect* an opponent’s weapon (e.g., brick walls, buildings, portion of the vehicle with the engine block, etc.).

Concealment refers to anything that prevents an opponent from *observing* the officer (e.g., bushes, small trees, tall grass, dark shadows, large crowds, lines of moving vehicles, etc.). Concealment alone does not stop or deflect bullets.

NOTE: For additional information regarding cover and concealment, refer to LD 35: *Firearms/Chemical Agents*.

Continued on next page

Contact and Cover Officers, Continued

Responsibilities It is vital that each officer understand the roles and responsibilities of contact and cover officers.

The <i>contact</i> officer is responsible for...	The <i>cover</i> officer is responsible for...
<ul style="list-style-type: none"> • initiating action. • conducting the essential business required, such as, but not limited to: <ul style="list-style-type: none"> - alerting cover officer that a weapon or contraband is located on the suspect, - conducting thorough systematic searches, - maintaining control of the suspect, - recovering evidence, - recording necessary suspect or incident information, - handling radio communication, and - writing traffic or misdemeanor citations. 	<ul style="list-style-type: none"> • protecting the contact officer from possible interference (e.g. onlookers or associates of the suspect(s)). • alerting the contact officer that a weapon or contraband is located on the suspect. • maintaining constant observation of the overall situation; being aware of possible dangers and potential interferences. • providing a command presence to discourage hostile acts, assaults, or escapes by the suspect. • securing any weapons or contraband; this allows the contact officer to continue searches. • preventing the destruction of evidence. • intervening with appropriate force to protect the contact officer if a suspect reacts violently.

Continued on next page

Contact and Cover Officers, Continued

One-and two-officer units

Depending on the jurisdiction, officers may be assigned to patrol alone or with another officer in the patrol unit. The following table identifies how the roles of contact officer and cover officer pertain under each condition.

IF an officer is assigned to a...	THEN...
one-officer unit	<ul style="list-style-type: none">• the first officer to arrive and initiate any activity assumes the role of <i>contact officer</i>, and• determines if there is a need to call for a <i>cover officer</i> (i.e., backup).• Additional personnel, whether responding to a call for cover or simply stopping at the scene to offer assistance, should automatically assume the role of <i>cover officer(s)</i>.
two-officer unit	<ul style="list-style-type: none">• the officers should agree upon who will act as the <i>contact officer</i> and <i>cover officer</i> in advance of each contact.

Switching roles

In some instances, once the initial contact has been made, officers may decide to exchange contact and cover officer duties. The switch should be verbally communicated and understood by both officers. Such a switch may take place when:

- it is tactically advantageous to do so (e.g., when the suspect's position changes), or
- one officer has specialized training or expertise in a given area (e.g., as a Drug Recognition Expert (DRE), better rapport with a suspect, more knowledge regarding the area, bilingual, or a specific personal skill).

Continued on next page

Contact and Cover Officers, Continued

Switching roles (continued)

In such exchanges, the officer assuming the role of *cover officer* must be in position and fully prepared to respond to any sudden action by the suspect before the original cover officer relinquishes that duty to take on the role as contact officer.

Initial briefings

It is essential that contact officers requesting cover and officers responding *clearly communicate* with one another. Responding officers should be briefed on the details of the contact as thoroughly as possible. The following table identifies elements of such contact officer/cover officer communications.

Upon arrival, the contact officer should advise the cover officer of:	After receiving the information, the cover officer should brief the contact officer on:
<ul style="list-style-type: none">• observations made or evidence obtained.• whether or not a search for weapons has already been conducted.• the reason for the contact and suspected criminal activity.• the contact officer's immediate plans.• any previous knowledge of the suspect(s) and/or an appraisal of their potential for violence.• any other suspicious persons or activity in the area.	<ul style="list-style-type: none">• previous knowledge of the suspect(s).• observations made while approaching the scene.• any significant radio communications the contact officer may have missed.

NOTE: Both officers should verbally confirm what has been told to them by the other officer to ensure that communication was correct.

Continued on next page

Contact and Cover Officers, Continued

Positioning

The exact positioning of the contact and cover officers will vary according to the situation and circumstances. The following table provides general guidelines for establishing positions of advantage.

Contact officers should position themselves to ...	Cover officers should position themselves to ...
<ul style="list-style-type: none">• avoid moving between the cover officer and suspect(s), and• not be in a position of vulnerability.	<ul style="list-style-type: none">• have a clear and unobstructed view of the suspect(s), and the contact officer,• have the best peripheral view of the surrounding areas,• avoid crossfire situations between officers, and• control the likeliest route of escape.

NOTE: Additional information regarding contact and cover officer positioning is provided in LD 22: *Vehicle Pullovers* and LD 23: *Crimes in Progress*.

Weapon searches/ handcuffing

The most hazardous moments of the majority of contacts with suspects occurs during a patdown search for weapons or when the suspect is being handcuffed. Because of the inherent danger, the role of each officer must be clear. For example:

- contact officer conducts the search or cuffing while the
 - cover officer acts as security.
-

Continued on next page

Contact and Cover Officers, Continued

Multiple contact and cover officers

Some major crime scenes or disturbances involving several subjects may require multiple contact and cover officers (e.g., when two or more subjects must be separated and other witnesses individually questioned, when a potentially hostile crowd may interfere, etc.).

In such cases assignments should be absolutely clear and as specific as the situation permits. Assignments should be made by the:

- primary officer (i.e., the first contact officer on the scene), or
 - supervisor.
-

Release of cover officer

Circumstances such as hostile bystanders or the continued presence of suspect(s) companions may dictate that the cover officer maintain position until all of the business of the contact is completed.

Because of this fact, it is the responsibility of the contact officer to determine when the cover officer can be released.

Examples

Example: A two-officer patrol unit initiated a stop for a possible DUI. The contact officer, during the initial contact with the driver, realized that the driver might be under the influence of drugs. Because the officer's partner was a drug recognition expert, the contact officer immediately communicated this information to the cover officer and they decided to switch roles.

Example: Two officers had contacted a subject loitering in a residential area. The subject spoke only Spanish and the contact officer did not. The contact officer decided to switch roles with the cover officer, who spoke Spanish.

Officer Safety While On Patrol

[21.01.EO8]

Introduction

Due to its repetitive nature, a patrol assignment has an inherent danger of appearing routine. As a result, officers can easily become complacent and careless leading to fatal errors.

Inherent danger

While on patrol, officers can encounter some of the most dangerous and threatening conditions. Officers are killed or assaulted in the line of duty when on patrol more than any other law enforcement assignment.

Officers on patrol are more likely to encounter the following types of potentially dangerous incidents.

- Domestic violence and/or disturbance calls
- Investigating suspicious persons
- Arrest situations*
- Ambushes*
- Crimes in progress*
- Vehicle pullover*
- Off duty incidents*
- Pedestrian contacts
- Building search

* High incidence categories

NOTE: The above list is ranked by level of risk to the officer, with the highest risk involving responding to a domestic violence/disturbance call. (*California Law Enforcement Officers Killed and Assaulted Study in the Line of Duty*, (2001). The study covers 1995 - 1999, during which 33 officers lost their lives in the line of duty due to felonious assault.

Continued on next page

Officer Safety While On Patrol, Continued

Fatal errors

Statistical analysis of incidents involving officers killed or assaulted in the line of duty has found that most of the deadly incidents *could have been prevented*. Officers should keep in mind and avoid committing any of the following fatal errors while on patrol.

Fatal Error	Example
<p>Inappropriate attitude</p> <ul style="list-style-type: none"> • Careless or complacent • Overconfident • Too aggressive 	<p>During a wind and rain storm, several business alarms were activated. After determining the first two were false alarms, the officer assumed that all the alarms would also be false. The primary contact officer decided to release the cover officer and respond to the remaining alarms alone. Later, while responding to another of the alarms, the officer was assaulted by a burglar fleeing the scene.</p>
<p>“Tombstone courage”</p> <ul style="list-style-type: none"> • Overly anxious to show one’s own courage • Attempting to handle dangerous situations beyond one’s ability 	<p>A patrol officer, responding to a silent burglary alarm, observed four armed suspects drive away from the building. The officer broadcasted a crime report and requested backup. Without waiting for backup units, the officer pursued the suspects and stopped the vehicle. As the officer approached the vehicle, one of the suspects jumped from the car and shot the officer.</p>
<p>Poor or no planning</p> <ul style="list-style-type: none"> • Rushing into the situation without any plan of action • Failure to establish a plan of action prior to engaging the suspect • Not considering alternative actions 	<p>A two-officer patrol unit saw a young man running from a convenience store followed by the store clerk yelling “stop him.” The clerk was obviously injured. Without taking any of the appropriate actions (notifying dispatch, determining contact/cover roles, etc.) both officers exited the vehicle and began chasing the young man. The officers placed themselves at risk by not having a plan of action, as well as placing the store clerk and others at risk if there had been other suspects still in the store.</p>

Continued on next page

Officer Safety While On Patrol, Continued

Fatal errors
(continued)

Fatal Error	Example
<p>Inadequate communication</p> <ul style="list-style-type: none"> • Not establishing roles (cover, contact, etc.) • Failure to work with other officers as a team • Failure to notify dispatch of actions 	<p>A patrol officer stopped a suspected stolen car with two occupants. A backup unit arrived and the assisting officer approached. Without asking for any information, the backup officer dragged one occupant from the car. The passenger pulled a weapon from his waistband and shot the officer. The backup officer did not wait for direction from the contact officer but acted independently, placing himself and the officer in danger.</p>
<p>Physical and mental fatigue</p> <ul style="list-style-type: none"> • Not enough rest • Attention and reflexes are compromised • Not staying in good physical condition 	<p>An officer was up two consecutive nights with a sick child. Near the end of that day's shift, the officer stopped a pedestrian for questioning and conducted a patdown search for weapons. Because the officer was tired and anxious for the shift to end, the search was poorly conducted. Later during the contact, the officer was assaulted by the suspect with a weapon the officer had failed to find during the search.</p>
<p>Poor positioning</p> <ul style="list-style-type: none"> • Abandoning a safe location • Being too close or in front of the suspect 	<p>While questioning a suspect detained for questioning regarding a nearby burglary, an officer became distracted by a call coming in on the radio in her patrol unit. When the officer, who failed to allow a proper distance between herself and the suspect, turned momentarily away from the suspect, the suspect grabbed for the officer's weapon. Even though the officer was able to retain her weapon and gain control of the suspect, her poor positioning had placed her at unnecessary risk.</p>

Continued on next page

Officer Safety While On Patrol, Continued

Fatal errors
(continued)

Fatal Error	Example
<p>Ignoring danger signs</p> <ul style="list-style-type: none"> • Allowing the assignment to become “routine” • Lack of alertness 	<p>Over time, two officers received repeated calls regarding domestic disturbances at the same residence. The male suspect had always been cooperative and had never resisted the officers. When the officers responded again to the same location, they found the man had been drinking but appeared to be compliant as usual. The officers failed to search the man prior to transporting him and a knife was found on the man when he was searched at the detention facility. The officer’s assumption that the call was “routine” could have proved deadly.</p>
<p>Failure to watch a suspect’s hands</p> <ul style="list-style-type: none"> • Becoming distracted and allowing suspects to arm themselves or assault the officer 	<p>A suspect, arrested for a DUI offence, was handcuffed with his hands behind his back, placed in the back of the patrol unit, and transported to a detention facility. When the officer removed the arrestee from the patrol car, he failed to notice that the arrestee managed to slip the handcuffs to the front of his body. The suspect struck the officer across the face with his cuffed hands and fled from the scene on foot.</p>
<p>Relaxing too soon</p> <ul style="list-style-type: none"> • Not maintaining a position of advantage • Letting one’s guard down 	<p>An officer transported a suspect to the emergency room for medical attention prior to taking the man to the detention facility. The suspect, an elderly man, had been quiet and compliant during transport. During the admission process at the hospital, the officer turned away from the man to talk to the in-take nurse. The suspect, in an attempt to escape, took advantage off the officer’s distraction, grabbed a nearby metal instrument, and struck the officer.</p>

Continued on next page

Officer Safety While On Patrol, Continued

Fatal errors
(continued)

Fatal Error	Example
<p>Improper use or no use of handcuffs</p>	<p>One officer detained two young men for questioning. The officer handcuffed one man's left wrist to a nearby chain link fence to prevent him from running away while he conducted a patdown search on the other man. With the remaining free hand, the handcuffed man grabbed a nearby piece of wood and struck the officer in the back of the head.</p>
<p>Failure to search or conducting a poor search</p> <ul style="list-style-type: none"> • Making assumptions based on overconfidence or inadequate technique 	<p>Two officers chased a suspect into the suspect's home and found him hiding in a closet. They took the suspect into custody. Believing the suspect was alone, the officers failed to search the remainder of the house. As the officers were escorting the suspect outside, the suspect's brother, who had been hiding in another bedroom, began shooting at the officers from the bedroom window.</p>
<p>Poor care and maintenance of equipment</p> <ul style="list-style-type: none"> • Dirty or inoperative weapon • Failure to keep equipment in top condition 	<p>While being searched, a suspect was able to grab the contact officer's handgun and shoot the officer. When the cover officer drew her service weapon and fired at the suspect, the weapon failed to discharge. The officer had failed to properly clean her handgun when she had last used it on the firing range, causing the weapon to become jammed.</p>

Continued on next page

Officer Safety While On Patrol, Continued

Elements of officer safety

Officer safety refers to the practical application of tactically sound procedures to perform law enforcement activities in a safe and effective manner.

Officer safety involves:

- the attitude and physical conditioning of the officer,
 - initial and ongoing training,
 - appropriate care and use of equipment, and
 - utilization of available resources.
-

Officer safety guidelines

There are several general safety guidelines which officers should know. By practicing these guidelines, officers can avoid fatal errors:

Safety Guidelines	Additional Information
Approach <i>every</i> contact with officer safety in mind.	<ul style="list-style-type: none">• Guard against complacency and overconfidence regarding stops, calls, and investigations that make up a patrol officer's daily tasks.
Be mentally prepared.	<ul style="list-style-type: none">• <i>Never</i> assume a call is a "false alarm."• Maintain good communication with contact/cover officers.• Prepare for a "worst case scenario."
Maintain skills.	<ul style="list-style-type: none">• Maintain good physical conditioning to promote self-confidence. Take advantage of recurrent training to maintain skills and overcome complacency.• Stay current on improvements in equipment, tactics, and techniques.
<i>Always</i> be aware of the suspect's hands.	<ul style="list-style-type: none">• In the majority of cases involving officers killed or assaulted in the line of duty, the suspects used their hands to arm themselves.

Continued on next page

Officer Safety While On Patrol, Continued

**Officer
safety
guidelines
(continued)**

Safety Guidelines	Additional Information
Be aware of and use available cover.	<ul style="list-style-type: none"> • In <i>every</i> situation, identify items that would provide adequate cover if needed. • Use, be ready to use, and/or move to cover when necessary.
Ask for backup when necessary.	<ul style="list-style-type: none"> • Seek backup in high risk situations (e.g., building searches). • If assistance is requested, <i>wait</i> for that assistance to arrive before abandoning cover or taking action.
Use available communication systems.	<ul style="list-style-type: none"> • Use available communication systems to transmit appropriate and accurate safety and tactical information. • Understand the limitations of your communications equipment.
Be aware of distance and positioning.	<ul style="list-style-type: none"> • Identify, plan, then move to positions of advantage. • Avoid abandoning a safe location or rushing into a potentially dangerous area.
Utilize proper safety equipment.	<ul style="list-style-type: none"> • Body armor is the single most effective item of safety equipment that a peace officer can use. <p>NOTE: Although body armor greatly enhances an officer's survivability in a lethal confrontation, it should never replace proper tactics when handling high risk incidents.</p>

NOTE: Additional safety guidelines are presented throughout this workbook as well as LD 22: *Vehicle Pullovers* and LD 23: *Crimes in Progress*.

Chapter Synopsis

Learning need To safely and effectively fulfill their duties of public protection and service, peace officers must be able to develop appropriate law enforcement patrol strategies under a wide variety of circumstances and conditions.

Patrol strategies [21.01.EO1] There are two basic patrol strategies patrol officers can employ to provide protection and service.

Selection of a patrol strategy [21.01.EO2] An officer's choice of a patrol strategy is dependent on a number of factors:

- Desire for public visibility
- Type of criminal activity in the designated area
- Existence of problem areas
- Existing environment or conditions
- Area demographics
- Community activities
- Availability of community resources
- Geography/topography
- Adequacy of access and egress to various locations
- Department/agency policies and resources

Security checks [21.01.EO4] When conducting security checks, patrolling officers should:

- cover as much of their assigned area as possible including secondary thoroughfares (e.g., alleys, walkways, parking areas, etc.)
- pay extra attention to areas that have a high crime risk,
- constantly vary patrol patterns and routines to prevent predictability,
- employ appropriate investigative tactics and equipment, (e.g., use of spotlights, flashlights, alley lights, etc.) and
- implement additional patrol methods whenever possible (e.g., foot patrol, bicycle patrol, etc.).

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Chapter Synopsis, Continued

**Contact
and cover
officers**
[21.01.E07]

The *contact officer* is the officer initiating an action who becomes responsible for conducting the contact. The *cover officer* is the officer responsible for surveillance and control of a suspect in order to free the contact officer to perform a thorough investigation.

**Officer
safety**
[21.01.E08]

Officer safety refers to the practical application of tactically sound procedures to perform law enforcement activities in a safe and effective manner.

- Approach *every* contact with officer safety in mind.
 - Be mentally prepared.
 - Maintain physical and tactical skills.
 - *Always* be aware of the suspect's hands.
 - Be aware of and use available cover.
 - Ask for backup when necessary.
 - Use available communication systems.
 - Be aware of distance and positioning.
 - Utilize proper safety equipment.
-

Workbook Learning Activities

Introduction

To help you review and apply the material covered in this chapter, a selection of learning activities has been included. No answers are provided. However, by referring to the appropriate text, you should be able to prepare a response.

Activity questions

1. How can a cover officer's demeanor contribute to the protection of both the contact and cover officers?

2. While performing a security check of a local sporting goods store, an officer discovers a broken ground floor window near the employee entrance/delivery bays at the rear of the building. Broken glass is evident outside the building. The time is 8:00 am on a Monday, and the store is not scheduled to open until 10:00 am. How should the officer (one-person unit) proceed? How would this differ, if at all, if the officer made this discovery during store hours?

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

3. Two officers arrive at the scene of a disturbance at a local high school football game. Witnesses report that three students (2 males, 1 female) had been throwing bottles. One bottle struck another student on the head, knocking her unconscious. School officials called an ambulance, which arrived just after the officers. The three bottle throwers are being held near the field by a group of teachers. The suspects are exhibiting signs of intoxication and are beginning to struggle with those detaining them. Outline appropriate contact and cover officer actions from this point through placing the suspects into the patrol vehicle.

Workbook Corrections

Suggested corrections to this workbook can be made by going to the POST website at: www.post.ca.gov.

Continued on next page

Workbook Corrections, Continued

Student notes

Chapter 2

Patrol Methodologies and Tactics

Overview

Learning need To maintain flexibility and effectiveness, peace officers need to know the basic tactics and procedures of patrol.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to...	E.O. Code
<ul style="list-style-type: none">• describe patrol officer responsibilities when preparing for each patrol assignment, to include:<ul style="list-style-type: none">- checking all personal equipment- acquiring any necessary information and materials/supplies- inspecting each piece of equipment issued at beginning of shift- mental preparation	21.02.EO3
<ul style="list-style-type: none">• discuss tactical considerations and guidelines for patrolling effectively:<ul style="list-style-type: none">- determining appropriate speed,- patrol vehicle placement, and- avoiding silhouetting and telltale noise.	21.02.EO6 21.02.EO7 21.02.EO8
<ul style="list-style-type: none">• demonstrate proper procedures for transmitting and receiving a radio communication.	21.02.EO9
<ul style="list-style-type: none">• discuss information an officer should include when generating a crime broadcast.	21.02.EO10

Continued on next page

Overview, Continued

Learning objectives (continued)

After completing study of this chapter, the student will be able to...	E.O. Code
<ul style="list-style-type: none">demonstrate safe and effective tactics for approaching and detaining a pedestrian subject.	21.02.EO11
<ul style="list-style-type: none">select appropriate actions when encountering a plainclothes/undercover officer while on patrol.	21.02.EO12
<ul style="list-style-type: none">discuss safe and effective tactics for initiating a foot pursuit of a fleeing subject.	21.02.EO13

In this chapter

This chapter focuses on actions and tactics officers may employ while on patrol. Refer to the chart below for specific topics.

Topic	See Page
Patrol Methodologies and Tactics Overview	2-1
Preparing for a Patrol Assignment	2-3
Basic Patrol Tactical Considerations	2-11
Use of Communication Equipment	2-19
Pedestrian Contacts	2-28
Plainclothes/Undercover Officer Contacts	2-40
Foot Pursuits	2-41
Chapter Synopsis	2-51
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Preparing for a Patrol Assignment

[21.02.EO3]

Introduction

Having proper equipment to handle expected duties is key to officer safety and effectiveness while on patrol. All equipment carried by an officer while assigned to patrol must be authorized, serviceable, and well maintained. The ultimate responsibility to see that all equipment is available and meets this criteria belongs to each officer.

Preparation

Preparation prior to beginning a patrol assignment generally includes:

- preparing mentally to do the job,
 - checking all personal equipment,
 - acquiring any necessary resource information and materials/supplies, and
 - inspecting each piece of issued equipment at the beginning of the shift.
-

Mental preparation

Before the beginning of a patrol shift, officers must also prepare themselves. Mental preparation is vital to move from civilian routine, cares, concerns, and worries to the roles and responsibilities of professional officers.

Mental preparation must include:

- getting enough rest to prevent physical and mental fatigue,
 - maintaining good physical conditioning with proper exercise and diet,
 - continually adding to and refreshing one's own knowledge and skills, focusing on the proper attitudes and emotions, and putting personal problems or issues temporarily aside (e.g., family/relationship problems, financial problems, issues and tasks outside law enforcement duties, etc.).
-

Continued on next page

Preparing for a Patrol Assignment, Continued

Mental preparation (continued)

Mental preparation also includes recognizing one's own limitations that particular day. If an officer is ill or taking certain prescription or nonprescription medications that could hinder or infringe on that officer's ability to function, the officer should request a different assignment for that day. If not done, such officers may not only be placing their own safety in jeopardy, but also the safety and well being of others.

NOTE: Agencies may have specific policies regarding the use of prescription and nonprescription drugs and medications while on duty. Officers are responsible for knowing and complying with their own agency policies.

Continued on next page

Preparing for a Patrol Assignment, Continued

Personal equipment and supplies

An officer's personal equipment includes any item issued to the officer which remains with the officer at all times. The specific type of personal equipment carried by officers may vary by agency.

Prior to each patrol shift, individual officers are responsible for checking their own personal equipment for serviceability, appearance, and conformance with agency policy.

Equipment to be Checked	Examples
Components of the officer's uniform	<ul style="list-style-type: none">• Badge and name plate• Shirt• Pants• Hat• Shoes
Items carried or worn by the officer	<ul style="list-style-type: none">• Body armor (e.g., vest)• Leather/nylon web gear belt• Holster and handgun• Backup weapon (if applicable)• Chemical agents (e.g., pepper spray, etc.)• Handcuffs and other restraint equipment• Impact weapon (e.g., baton)• Flashlight, fully charged or with working batteries

Continued on next page

Preparing for a Patrol Assignment, Continued

Personal equipment and supplies	Equipment to be Checked	Examples
(continued)	Other supplies	<ul style="list-style-type: none"> • Clipboard and writing implements • Citation book • Inclement weather gear • Helmet and face shield • Gloves (e.g., leather, rubber, latex) • Binoculars • CPR mask • Evidence collection supplies (e.g., fingerprint kit) • Court calendar • Area map(s) • Legal reference materials (e.g., Penal Code, Vehicle Code, Municipal/County Code, etc.) • Report forms • Citation forms (“Notice to Appear”) • Any other equipment approved by agency policy • First Aid Kit

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Preparing for a Patrol Assignment, Continued

Weapons

Before any firearm inspection is conducted, the weapon must be rendered safe.

Patrol officers should perform a safety inspection of their own handguns and other weapons. Problems identified during an inspection should be addressed immediately or as soon as possible.

The following table identifies inspection points when conducting a weapons inspection.

Equipment	Inspection Considerations
Handgun (including backup)	<ul style="list-style-type: none">• Cleanliness• Exterior components (e.g., barrel, hammer, slide, slide lock, safety, etc.)• Interior components (e.g., chamber, cylinder, firing pin, etc.)
Holster	<ul style="list-style-type: none">• General wear• Safety straps/snaps
Ammunition, magazines, loaders (including backup gun)	<ul style="list-style-type: none">• Correct type and caliber• General cleanliness• Amount• Age or freshness• Operating parts (e.g., body, follower, spring, feed lips, floor plate)

Continued on next page

Preparing for a Patrol Assignment, Continued

Weapons (continued)

Equipment	Inspection Considerations
Chemical agent device	<ul style="list-style-type: none">• Content amount• Expiration date• Trigger device• Nozzle <p>NOTE: Shake each device prior to each shift.</p>

NOTE: For additional information regarding inspection, care, and maintenance of weapons, refer to LD 35: *Firearms/Chemical Agents*.

Information acquisition

Prior to beginning a patrol assignment, each officer must take responsibility for acquiring all necessary resource information as well as other materials and supplies.

Possible sources for acquiring information include, but are not limited to:

- the daily incident log,
- crime reports affecting assigned area,
- agency crime analysis unit
- briefing boards,
- the hot sheet/watch bulletin,
- warrants,
- debriefing by off-going shift, and
- specialized units such as:
 - investigation,
 - narcotics,
 - gangs,
 - robbery,
 - burglary, etc.

Continued on next page

Preparing for a Patrol Assignment, Continued

Issued equipment

Typically, each officer will receive a variety of equipment at the beginning of a patrol shift that must be returned at the end of that shift.

An officer rarely has the same equipment issued each shift. Instead, each item is handed out randomly and, over time, is used by many different officers. For this reason, officers should be particularly careful and thorough when inspecting each piece of issued equipment.

The following table identifies equipment that may be issued to patrol officers and considerations for inspection of that equipment.

Issued Equipment	Inspection Considerations
Patrol vehicle	<ul style="list-style-type: none">• Rear seat for contraband/weapons• Fuel level• Emergency equipment (e.g., lights, flashers, siren, p.a. system, etc.)• Tires, brakes, horn• Vehicle code equipment violations, current registration tabs• Damage (interior and exterior)• Mileage report, service dates, etc.• Trunk equipment (e.g., spare tire, jack, flares, first aid kit, crime scene tape, fire extinguisher, etc.)• In-car video equipment <p>NOTE: For additional information regarding vehicle inspections, refer to LD 19: <i>Vehicle Operations</i>.</p>

Continued on next page

Preparing for a Patrol Assignment, Continued

Issued Equipment
(continued)

Issued Equipment	Inspection Considerations
Shotgun	<ul style="list-style-type: none">• Proper ammunition• Amount of ammunition• Components (i.e., barrel, extractor, ejector, firing pin, and safety)• Operation of shotgun rack (manual or electronic) <p>NOTE: For additional information regarding inspecting shotguns, refer to LD 35: <i>Firearms/Chemical Agents</i>.</p>
Portable hand held radio	<ul style="list-style-type: none">• Batteries/charge• Transmission/reception• Damage

NOTE: Patrol vehicles also include motorcycles, bicycles, etc. Each should be carefully inspected.

Basic Patrol Tactical Considerations

[21.02.EO6, 21.02.EO7, 21.02.EO8]

Introduction

Effective patrol involves more than simply driving through an assigned area and responding to radio calls. It requires officers to engage in situations which enable the officer to observe specific areas requiring attention.

Predictability

A patrol assignment is often *erroneously* referred to as “routine.” One of the primary objectives of a patrol assignment is to prevent any semblance of an anticipated routine.

When officers establish predictable patrol patterns, their effectiveness in suppressing crime is often compromised. Suspects have been known to deliberately observe an officer’s patrol pattern in order to plan criminal activity and avoid detection.

Speed

Officers should patrol at a speed that is reasonable for the tasks they are performing (e.g., patrolling in heavy traffic, patrolling in a residential or business area, etc.).

Driving at a *slower* speed while on patrol:

- provides a maximum opportunity to observe while maintaining effective control of the vehicle.
 - contributes to public awareness and visibility.
 - maximizes contact with members of the community and provides a positive law enforcement image.
 - decreases engine noise enabling an officer to get closer to criminal activity without being detected.
-

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Basic Patrol Tactical Considerations, Continued

Emergency responses - "Code 3"

An "emergency response call" cannot be defined exactly. However, applied to law enforcement it means a situation exists that requires immediate law enforcement attention for the protection of individuals or property. An emergency response call is also known as a *Code-3* response.

NOTE: The exceptions granted under *Vehicle Code Section 21055* may not protect officers from criminal prosecution or their agencies from civil liability if the officers cause an accident due to their own reckless driving or wanton disregard for the safety of others (*Vehicle Code Section 21056*).

NOTE: Agencies may have specific policies regarding Code 3 driving conditions. Officers are responsible for knowing and complying with their own agency policies.

NOTE: For additional information regarding emergency response driving and law enforcement vehicle operations, refer to LD 19: *Vehicle Operations*.

Continued on next page

Basic Patrol Tactical Considerations, Continued

Vehicle placement

Officers should always make a reasonable effort to stop or park their patrol vehicles in a lawful manner.

Although it may seem minor to the officer, a patrol vehicle illegally parked when no emergency exists can infuriate members of the community and unnecessarily damage community relations with law enforcement. Parking illegally when no emergency exists can also expose a law enforcement agency to liability if the vehicle's placement contributes to a collision.

The following table presents general guidelines for selecting a location when parking law enforcement vehicles during non-emergency and emergency situations.

Situation	General Guidelines
Non-emergency	<ul style="list-style-type: none">• Select a location that is protected from vandalism or tampering (e.g., nails, pipe bombs, etc.).• If conducting <i>preventative patrol</i>, park in an area that would provide maximum visibility to the public.• If conducting <i>directed enforcement patrol</i>, consider legal as well as visibility factors when selecting a location to park.• Always secure the vehicle and take the keys.

Continued on next page

Basic Patrol Tactical Considerations, Continued

Vehicle placement (continued)

The following table presents general guidelines for selecting a location when parking law enforcement vehicles during non-emergency and emergency situations.

Situation	General Guidelines
Emergency	<ul style="list-style-type: none">• Consider the nature of the incident (e.g., responding to a crime in progress, traffic situations, etc.).• If the vehicle must be parked in an illegal location, the officer should move the vehicle to a legal location once the emergency is over.• Allow for placement, ingress, and egress of other emergency vehicles (e.g., ambulance, fire equipment, etc.).• Consider the available terrain and type of building when selecting a location.• Flashing or amber lights may be left on to let the public know the vehicle is parked in that location for a reason.• Always secure the vehicle and take the keys.

Continued on next page

Basic Patrol Tactical Considerations, Continued

Silhouetting

Being aware of artificial light (e.g., street lights, apartment/residential floodlights, etc.) while on patrol is critical to officer safety.

If an officer assumes a position between a suspect and a source of back light, the officer's silhouette could:

- make the officer a potential target,
 - provide the suspect with the exact location of the officer,
 - identify how many officers are present,
 - indicate what actions the officer is taking (e.g., surveillance, approach, etc.),
 - take away the element of surprise on the part of the officer, and
 - allow the suspect to plan an alternate course of action.
-

Ways to avoid silhouetting

The following table identifies a number of actions an officer may take to avoid the potential problems associated with silhouetting while on patrol.

Officer Activity	General Guidelines
Within a patrol vehicle	<ul style="list-style-type: none">• Be aware of sources of backlighting when traversing open areas (e.g., streets, alleys, fields, etc.).• Position the patrol vehicle away from street lights or other sources of backlighting.• Disable interior patrol vehicle lighting that is activated when a door is opened.
On foot patrol	<ul style="list-style-type: none">• Avoid walking through spotlight or head lamp beams when approaching pedestrians and/or vehicles.• Do not stand in doorway, hallways, or in front of windows.• Do not peer openly through windows.

Continued on next page

Basic Patrol Tactical Considerations, Continued

Ways to avoid silhouetting (continued)

Officer Activity	General Guidelines
Using a flashlight/map light	<ul style="list-style-type: none"> • Hold the flashlight in such a way as not to illuminate oneself or other officers or units. • Use red bulbs or diffuse the light source to minimize light intensity. • Keep flashlight use to a minimum and only when necessary.

Telltale noise

Making any telltale noise can jeopardize officer safety while on patrol. The following table identifies a number of sounds that may indicate the presence of law enforcement officers and patrol vehicles and guidelines for avoiding them.

Activity	General Guidelines
Vehicle approach	<ul style="list-style-type: none"> • Reduce vehicle noise prior to approach. • Secure seat belts and doors quietly. (Officers may elect to remove their seat belts immediately <i>before</i> arrival at the scene, depending on departmental policy.) • Close doors quietly rather than slamming.
Using law enforcement radios	<ul style="list-style-type: none"> • Reduce the volume. • Use ear piece if available.

Continued on next page

Basic Patrol Tactical Considerations, Continued

**Telltale
noise**
(continued)

Activity	General Guidelines
Walking	<ul style="list-style-type: none">• Secure all keys, handcuffs, and any other loose or small items.• Ensure baton does not bang against any other objects.• Ensure that leather gear and footwear are properly maintained to prevent “squeaking.”• When possible, avoid stepping on leaves, twigs, rocks, and gravel that could make noise when the officer moves or compromise a solid footing.
Using electronic devices	<ul style="list-style-type: none">• Pagers should be set on vibrate mode rather than audible beeping or turned off for maximum officer safety.• Carry a cellular phone only if the ringer can be silenced.• Alarms on wrist watches should be deactivated.
Communicating with other patrol officers	<ul style="list-style-type: none">• Avoid unnecessary conversation.• Use prearranged hand signals and word codes when appropriate.

Continued on next page

Basic Patrol Tactical Considerations, Continued

Patrolling specific areas

Officers should be aware of many considerations when patrolling specific areas within their area of assignment.

Areas	General Guidelines
School grounds	<ul style="list-style-type: none"> • Be especially aware of: <ul style="list-style-type: none"> - signs of drug transactions and other drug related activity, - individuals attempting to accost, videotape, or photograph children, or - indications of possible gang activity (e.g., wearing of colors, crowds of youth, etc.).
High risk areas (e.g., gang hangouts, known locations of drug activity, etc.)	<ul style="list-style-type: none"> • Become familiar with: <ul style="list-style-type: none"> - hazardous locations/residences, - specific individuals who, based on previous contacts or information, may be a threat to law enforcement, and - current or impending gang warfare or potential actions of retaliation. • When possible, supplement motorized patrol vehicles with foot patrols. • Consider the need for cover officer(s) and adhere strictly to contact and cover tactics (e.g., use of two patrol units or one two-person unit). • Map out areas such as known gang locations, parks, dense housing complexes, etc.

Use of Communication Equipment

[21.02.EO9, 21.02.EO10]

Introduction

Proper and effective use of communication equipment such as mobile and hand-held radios and mobile digital terminals (MDTs) is every officer's lifeline to the law enforcement support system.

The specific types of equipment used by officers can vary depending on the methods of patrol and available resources of the officer's agency. Regardless of available equipment, knowledge of the system's capabilities, procedures for proper use, and communication range can save an officer's life.

Types of radio traffic

Officers will encounter two primary types of radio transmissions or "traffic": **non-emergency radio traffic** and **emergency radio traffic**.

	Examples
Non-emergency Traffic	<ul style="list-style-type: none">• Status changes (e.g., back in service, routine change of locations, etc.)• All Points Bulletins (APBs) not related to emergency situations• Calls for service
Emergency Traffic	<ul style="list-style-type: none">• Officer-involved shootings• Officer calls for help• In-progress felonies• Crime broadcasts• Pursuits/failures to yield• Other situations as identified by agency policies <p>NOTE: Emergency traffic always has priority. All non-emergency transmissions should be held until the termination of emergency traffic.</p>

Continued on next page

Use of Communication Equipment, Continued

FCC rules and regulations

All law enforcement radio communication must comply with Federal Communications Commission (FCC) rules and regulations. Noncompliance with the FCC regulations could result in fines and/or loss of use of radio frequencies.

FCC rules and regulations include, but are not limited to, the following:

- All profanity is prohibited.
 - There should be no malicious interference with authorized communications.
 - Unnecessary transmissions are prohibited. This includes the use of:
 - humor,
 - slang, and/or
 - familiar comments used in other conversation (e.g., “please,” “thank you,” etc.).
 - Full identities (call signs) must *always* be used.
-

Call signs

The use of an entire **call sign** (i.e., caller/receiver identification information) is required by the FCC to avoid misidentification between the senders and receivers of radio communications.

Although specific call signs used generally are agency specific, they may include information regarding transmitting and receiving officers’:

- specific unit identification,
 - designation for the area of assignment, and
 - the agency involved.
-

Continued on next page

Use of Communication Equipment, Continued

Radio demeanor

All officers should be familiar with and employ the basic ABCs of radio communication demeanor.

	General Guidelines
A ccuracy	<ul style="list-style-type: none">• Use common terminology.• Be specific regarding all requests.• Convey critical information (i.e., crime broadcasts) accurately and completely.
B revity	<ul style="list-style-type: none">• Plan all transmissions.• Conserve air time.• Initiate only necessary transmission.
C ourtesy	<ul style="list-style-type: none">• Spell difficult or uncommon names phonetically.• Avoid cutting off or overstepping other radio traffic.• Maintain effective working relations with dispatch operators and other patrol units.

Continued on next page

Use of Communication Equipment, Continued

Radio transmissions

The following table presents basic guidelines for executing an appropriate radio transmission.

Action	General Guidelines
Monitor the frequency first.	<ul style="list-style-type: none"> • Listen to existing radio traffic. • Assess whether it is routine or emergency traffic. • Wait until the air is clear (no traffic) before initiating a transmission.
Initiate the call.	<ul style="list-style-type: none"> • Firmly press and hold the transmit button. (Officers should avoid cutting themselves off by inadvertently releasing the button.) • Wait one to two seconds before speaking. • Position the microphone properly, approximately two inches from the speaker's mouth.
Speak clearly.	<ul style="list-style-type: none"> • Give a complete call sign. • Speak slowly. • Enunciate clearly. • Use a calm normal speaking voice. • Speak in a normal volume unless background noise dictates otherwise.
Limit length of transmission.	<ul style="list-style-type: none"> • Allow breaks for other emergency traffic. • Allow time for the receiver of the call to speak. • Be aware of distance and geographic limitations and capabilities, such as: <ul style="list-style-type: none"> - existing mountains, canyons, etc., that may affect transmission, or - the use of radio repeaters for transmission.

NOTE: Officers must always be aware of when their microphones are keyed on in order to prevent the inadvertent transmission of unnecessary or inappropriate conversations.

Continued on next page

Use of Communication Equipment, Continued

Receiving messages

Officers should listen for and always acknowledge receiving a unit transmission. Acknowledgments should include the receiver's complete call sign and follow the same basic guidelines for initiating a radio transmission.

NOTE: A radio "click" is not an identifiable or acceptable acknowledgment of a radio transmission.

Numeric radio codes

In order to enhance clear yet brief communication, officers may use agency specific numeric communication codes.

Examples of numeric codes include, but are not limited to, the use of:

- "Code 3" (emergency call for officer response),
 - "Code 4" (cancellation of a "Code 3" call), or
 - statutory reference numbers for specific crimes or activities such as:
 - "211" when referring to a robbery (*Penal Code Section 211*),
 - "5150" when referring to a person with a possible mental disorder (*Welfare and Institutions Code Section 5150*),
 - "23152" when referring to driving while under the influence of alcohol (*Vehicle Code Section 23152*), or
 - "11550" when referring to being under the influence of a controlled substance (*Health and Safety Code Section 11550*).
-

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Use of Communication Equipment, Continued

Crime broadcasts

Officers are often required to gather and transmit critical information when responding to criminal activity. The effectiveness of such broadcasts can be greatly impacted by the officer's ability to clearly transmit the appropriate type and amount of information. The following table identifies types of information that should be included when communicating an emergency **crime broadcast**.

Type of Information	Examples	
Incident specifics	<ul style="list-style-type: none"> • Type of incident (e.g., burglary, assault, etc.) • Exact location • Time of occurrence 	
Victim related	<ul style="list-style-type: none"> • Number of victims • Type of injuries sustained • Need for emergency medical assistance 	
Suspect related	Physical description	<ul style="list-style-type: none"> • Race/complexion • Sex • Age (estimate) • Height/weight • General build • Hair color/style • Eye color
	Clothing	<ul style="list-style-type: none"> • Clothing worn head to toe (e.g., shirt/blouse, pants/skirt, shoes, etc.) • Clothing worn inside to outside (e.g., shirt/sweater/jacket, etc.) • Head gear (e.g., bandana, helmet, etc.) • Glasses
	Distinguishing characteristics	<ul style="list-style-type: none"> • Facial hair • Tattoos • Scars/marks • Speech impediments • Physical impairments • Body piercing
	Flight	<ul style="list-style-type: none"> • Direction • Mode (e.g., on foot, automobile, etc.)

Continued on next page

Use of Communication Equipment, Continued

Crime
broadcasts
(continued)

Type of Information	Examples	
Vehicle	<ul style="list-style-type: none"> • Color • Make • Year • Body style (e.g., two-door, four-door, convertible, pick up, etc.) • License (number and state) • Additional descriptors such as: <ul style="list-style-type: none"> - body damage - loud muffler - number and description of occupants - equipment (e.g., camper shell) 	
Weapon	Firearms	<ul style="list-style-type: none"> • Type <ul style="list-style-type: none"> - handgun (e.g., semiautomatic, revolver) - shotgun - rifle • Caliber/gauge • Barrel length (e.g., sawed off shotgun) • Color (e.g., blue steel, chrome, etc.)
	Edged weapons	<ul style="list-style-type: none"> • Type (e.g., switch blade, hunting knife, etc.) • Size
	Other weapons	<ul style="list-style-type: none"> • Type (e.g., baseball bat, crossbow, etc.) • Specific description

Continued on next page

Use of Communication Equipment, Continued

Crime broadcasts
(continued)

Type of Information	Examples
Description of loss	<ul style="list-style-type: none"> • Vehicle (e.g., make, model, license plate number, if known, etc.) • Purse (e.g., contents, amount of money, credit cards, etc.) • Jewelry (e.g., type of metal/stones, etc.) • Equipment/tools (e.g., model, serial number if known, etc.)
Law enforcement action to be taken if suspect located	<ul style="list-style-type: none"> • Observe only • Field interview • Stop and arrest • Impound property

NOTE: Describe each suspect/vehicle separately.

NOTE: For additional information regarding crime scene broadcasts, refer to LD 30: *Preliminary Investigation*.

Continued on next page

Use of Communication Equipment, Continued

Examples

Example: An officer contacted an individual who had just been the victim of a car jacking. The officer obtained the appropriate information and cleared the air for a Be-on-the-Look-Out (BOLO) broadcast. The officer communicated the type of crime, weapons used, location and time of occurrence, suspect description, suspect vehicle (car jacked vehicle) description, and direction of travel. The officer included all the necessary information in the broadcast.

Example: The following is a radio broadcast issued by an officer who was engaged in a vehicle pursuit of a hit-and-run suspect. “Four Sam One, I am in pursuit of a green Ford Mustang, south on Main Street. The violator hit a parked car and now is going 70+ mph. We are still south on Main passing Palm Avenue. The suspect is a white male, about 18 years old. I am too far back to see the license plate, but it’s a Nevada plate.” The officer communicated all the available, pertinent information.

Non-Example: The same scenario as above but the broadcast from the officer was: “Four Sam One, I am in pursuit of a Mustang. He hit a parked car and we are nearing Palm Avenue. I am too far back to see the license number.” The officer did not give the location, direction of travel, suspect description, or that the license plate was from Nevada.

Pedestrian Contacts

[21.02.EO11]

Introduction

In the course of patrolling, officers initiate various contacts with pedestrians observed within their area of assignment. When making such contacts, officers must be aware not only of their own safety but also of the rights of the individuals.

Legal considerations

To protect an individual's constitutional rights, officers must have a clear understanding of a pedestrian contact considered a lawful **consensual encounter** from one that would constitute a lawful **detention**.

The following table presents a comparison of both types of pedestrian contacts.

	Consensual Encounter	Detention
Description	Contact between an individual and an officer where the individual is not obligated to stay, cooperate or answer questions	<ul style="list-style-type: none">• An assertion of authority that would cause reasonable individuals to believe that they are obligated to stay, cooperate, or answer questions.
Individuals	Told they are free to leave or not cooperate at any time.	<ul style="list-style-type: none">• Told they must cooperate and are not free to leave the scene until told they can do so.
Justification Required	None	<ul style="list-style-type: none">• Officer must have reasonable suspicion; that is, a factual basis for suspecting the individuals are connected with criminal activity.

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Pedestrian Contacts, Continued

Legal considerations
(continued)

	Consensual Encounter	Detention
Time Element	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Limited to time reasonably necessary to resolve suspicion.
Permissible Actions	<ul style="list-style-type: none"> • <i>Requests</i> for identification or other information • Casual conversation • Information dissemination 	<ul style="list-style-type: none"> • Prevent suspect from leaving until reasonable suspicion is resolved. • Gather identification and personal information. • Ask the individual questions regarding a specific incident. • Contact other individuals. • Check an area, premise, or object to determine if a crime has occurred.
Restraint / Use of Force	<ul style="list-style-type: none"> • None allowed 	<ul style="list-style-type: none"> • <i>Reasonable</i> amount if <i>necessary</i> to compel the suspect to remain.
Search Allowed	<ul style="list-style-type: none"> • None, unless consent is given. Also, officers may confiscate any contraband in plain sight. 	<ul style="list-style-type: none"> • None, except for a patdown search for weapons <i>if</i> officers have a factual basis for suspecting the person may be armed.

Continued on next page

Pedestrian Contacts, Continued

Examples

Example: A suspect began to get nervous during questioning, looked around, and started to walk away; the officer ordered the suspect to stay. When the suspect continued to walk away, the officer went after him, grabbed him by the arm, escorted him to the squad car, and placed him in the back seat.

Example: When an officer started checking whether the person she had detained had an outstanding warrant, the person turned and ran. The officer chased after him and grabbed him. When he continued to struggle, the officer handcuffed him. The officer then walked the person back to the patrol car and confirmed the outstanding warrant.

NOTE: A consensual encounter may escalate to the level of detention, or a detention to an arrest, depending on information gathered by the officers.

NOTE: For additional information regarding consensual encounters, detentions, refer to LD 15: *Laws of Arrest*, and/or *California Peace Officer's Legal Source Book*, Chapter 2.

Continued on next page

Pedestrian Contacts, Continued

Checks of persons

While using a preventative patrol strategy, officers are also looking for individuals who may be involved in suspicious activities. An officer may need to detain a person in order to investigate that person's involvement in possible criminal activity.

A detention or stop is an assertion of authority that would cause a reasonable person to believe they are obligated to stay, cooperate, or answer questions.

A detention is something less than an *arrest*, but more substantial than a simple consensual encounter.

NOTE: For additional information regarding consensual encounters, detentions and arrest, refer to LD 15: *Laws of Arrest*.

Lawful detention

To be lawful, a detention must be based on *reasonable suspicion* that criminal activity has taken place or is about to take place, and the person detained is connected to that activity.

Reasonable suspicion is the standard used to determine whether a detention is legal. Reasonable suspicion exists when a peace officer has facts and circumstances to make it reasonable for the officer to suspect that criminal activity may be occurring and the person detained is connected to that activity.

Reasonable suspicion may be based on:

- observation,
- personal training and/or experience, or
- information from eyewitnesses, victims, and/or other officers.

NOTE: Reasonable suspicion *cannot* be based on a hunch or instinct. If reasonable suspicion does not exist, the case against the defendant may be dismissed or any evidence seized may be excluded from trial.

Continued on next page

Pedestrian Contacts, Continued

Investigative actions

Once officers have stopped or detained a suspect, they may take whatever investigative actions are reasonable under the circumstances to determine the suspect's identity and possible participation in a crime.

Common investigative actions may include, but are not limited to:

- conducting a patdown search of the individual for weapons,
- questioning the suspects about their identities and conduct,
- contacting other individuals to confirm explanations, verifying identification, or determining whether a person is wanted (warrant check), or
- checking premises, examining objects, or contacting neighbors or other individuals to determine whether a crime (e.g., burglary) actually occurred.

NOTE: Refer to current case law addressing a detainee's legal obligation to answer questions posed by officers during a lawful detention.

Length of detention

A detention must be temporary and last no longer than is necessary to carry out the purpose of the stop. A detention which is legal at the beginning will become invalid if extended beyond what is reasonably necessary under the circumstances.

Often what officers see and hear during the detention (evasiveness, nervousness, conduct, property) will increase their suspicion, justify a longer detention, and possibly provide probable cause for arrest.

On the other hand, if the suspect satisfactorily answers all questions about the suspicious circumstances so that suspicion decreases or disappears, the suspect must be released.

Continued on next page

Pedestrian Contacts, Continued

Consequences of inappropriate detentions

Without proper knowledge and understanding of the actions leading to, or during, a pedestrian contact, officers may cause:

- an improper or unlawful detention or arrest,
 - unsuccessful court prosecutions, or
 - possible injury to the officers or pedestrians.
-

Officer safety

Officers must approach *every* contact, whether a consensual encounter or a lawful detention, with officer safety in mind. Complacency, overconfidence, poor planning, or inappropriate positioning can leave officers vulnerable to attack.

When making contact with an individual, officers should always:

- use a field interview position including:
 - placement of weak foot forward,
 - keeping firearm side away from the individual, and
 - standing at a distance which is reasonably safe for the officer.
- keep their gun hand free.
- be mindful of their surroundings and not become distracted by the business of the stop (e.g, conducting a field interview, checking identification, writing a citation, etc.).
- be aware of the individual's:
 - hands,
 - size, and
 - demeanor.

NOTE: If two officers make contact with a single individual, officers should employ proper contact and cover officer tactics.

Continued on next page

Pedestrian Contacts, Continued

Multiple suspects

Along with the safety guidelines noted in the previous block, there are additional officer safety guidelines that officers should be aware of when a detention involves multiple pedestrian suspects.

	General Guidelines
Single Officer	<ul style="list-style-type: none"> • Consider requesting and waiting for backup prior to making the actual contact. • Avoid being surrounded by individuals by not allowing them to get too close.
Multiple Officers	<ul style="list-style-type: none"> • Use proper contact and cover officer tactics. • Use a triangular or “L” shaped position configuration when conducting the field interview to prevent being in a cross-fire situation.

Considerations prior to contact

Officers should consider a number of factors prior to initiating a lawful detention of a pedestrian.

Factor	Considerations
The person's appearance	<ul style="list-style-type: none"> • Does the person appear to: <ul style="list-style-type: none"> - fit the description of a suspect wanted for a known offense? - be suffering from a recent injury? - be under the influence of alcohol, drugs, or other intoxicants?

Continued on next page

Pedestrian Contacts, Continued

**Considerations
prior to
contact
(continued)**

Factor	Considerations
The person's actions	<ul style="list-style-type: none"> • Is the person: <ul style="list-style-type: none"> - running away from an actual or possible crime scene? - behaving in a manner indicating aggressive behavior (e.g., posturing, "staring down," etc.)? - behaving in a manner indicating criminal conduct? If so, in what way?
Prior knowledge of the person	<ul style="list-style-type: none"> • Does the person have a known arrest or conviction record? • Is the person known to have committed a serious offense? • Is the crime that has just occurred, or that the officer believes is about to occur, one that is similar to a past offense involving the person in question?
Area of the proposed contact	<ul style="list-style-type: none"> • Is the person near the area of a known crime scene shortly after it occurred? • Is the area at high risk for criminal activity? • If the area is known to have a high crime rate, is it the kind of activity the person is thought to have committed, be committing, or about to commit?
Time of day	<ul style="list-style-type: none"> • Is it a very late hour? • Is it an unusual time for people to be in the area? • Is it the time of day during which known criminal activity has previously taken place?
Number of suspects	<ul style="list-style-type: none"> • Are there a greater number of suspects than patrol officers? • Is there a need for backup units?

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Pedestrian Contacts, Continued

Approaching on foot vs. from patrol vehicle

Proper safety tactics demand that officers exit their patrol vehicles to conduct pedestrian contacts. Approaching and conducting the contact on foot allows officers:

- to devote complete concentration to observing the pedestrian (rather than dividing attention between driving and observation).
 - better access to weapons and a clear line of fire if necessary.
 - better visibility of the pedestrian.
 - better mobility (rather than being trapped in a vehicle).
 - the ability to detain and search an individual, if necessary.
 - greater advantage if a foot pursuit should occur.
-

Continued on next page

Pedestrian Contacts, Continued

Tactical approach and contact

The following table identifies general guidelines for a safe tactical approach and contact with a pedestrian subject while on patrol.

Action	General Guidelines
Select location	<ul style="list-style-type: none"> - with the least number of escape routes or where escape routes for the subject can be controlled. - with the least number of bystanders who could be injured or used as hostages. - that is well lit. • Avoid: <ul style="list-style-type: none"> - reflective surfaces that may mirror the officer's approach. - intersections. - locations that could place officers at additional risk (e.g., bars, known trouble spots, etc.).
Notify dispatch	<ul style="list-style-type: none"> • prior to the approach regarding: <ul style="list-style-type: none"> - location, - number of subjects, - reason for contact, and - the need for backup, if necessary.
Position patrol vehicle	<ul style="list-style-type: none"> • Stop the patrol vehicle at a safe and effective distance. • Park the patrol vehicle in a position that will: <ul style="list-style-type: none"> - maximize officer safety, and - keep the subject in the officers' view at all times.
Approach the suspect	<ul style="list-style-type: none"> • If necessary, use the patrol vehicle or other available cover while directing the subject to stop. • Approach the subject from the rear, if possible. • Keep the subject in view at all times. • Watch for suspicious movements that may indicate escape attempts.

Continued on next page

Pedestrian Contacts, Continued

Tactical approach and contact
(continued)

Action	General Guidelines
Establish contact	<ul style="list-style-type: none"> • Properly identify oneself as a law enforcement officer. • Establish cooperation by communicating in a manner that reflects both authority and courtesy. (Avoid using a “Hey you, come here” approach.) • Conduct a patdown search if appropriate. • Use clear and direct verbal commands. • Assume a position of advantage while talking to the subject. • Keep the subject’s hands in sight at all times. • Maintain proper contact and cover officer positions. • Watch for suspicious movements to avoid unexpected attacks. • Observe the subject for unusual behavior which could suggest the subject is attempting to conceal contraband or evidence. • Obtain identification. • Contact dispatch using the information from the identification to: <ul style="list-style-type: none"> - verify the information, and - determine if there are any wants/warrants for the subject. • Conduct a field interview to obtain information. • Explain reason for contact. • Decide on appropriate action for the circumstances (warn, cite, arrest, or release).

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Pedestrian Contacts, Continued

Examples

Example: An officer observed a man standing near the grounds of a grade school. The man in question resembled the description of a suspected child molester who had been approaching children as they left school. The officer explained the reason for the contact and asked for identification. The man complied, explaining that he was a parent waiting for his child. The officer verified the identification with dispatch and learned there were no wants/warrants for the person. As the officer ended the interview, the man thanked the officer for keeping the school under observation.

Example: Two officers, working an area of high frequency narcotics sales, observed a young male stopping vehicle traffic and having brief conversations with the occupants. The subject was alert to police presence and when patrol units approached, he stepped back into an alleyway out of sight. The officers set up a plan to have additional officers cover the alleyway, as the officers pulled up to the subject and made contact. The subject was detained and narcotics recovered. By developing a plan of action, the officers were able to make a successful arrest.

Non-example: An officer on patrol observed a female loitering on a street in an area known for gang activity. The officer stopped, exited the patrol car, and approached the woman. The officer explained the reason for the contact and requested identification. The woman stated that she had no identification. The officer did not believe her and asked the woman again if the purse she was carrying contained identification. She said it did not. Still not believing her, the officer grabbed the woman's purse, opened it, and located identification. Because this interview was a consensual encounter, the officer did not have the authority to search the woman's purse.

Plainclothes/Undercover Officer Contact

[21.02.EO12]

Introduction

While on patrol (or when off duty) officers may encounter officers who are working as plainclothes/undercover officers. If such an encounter takes place, officers should take all necessary measures *not to draw attention to the plainclothes/undercover officer*.

- Do not show any recognition towards the plainclothes/undercover officer, unless that officer initiates the contact. To do so might inadvertently compromise an undercover operation or investigation.
 - If the plainclothes/undercover officer does not acknowledge the officer, the officer should treat the plainclothes/undercover officer as any other private person with whom the officer is not acquainted.
 - If an officer initiates an enforcement contact and then realizes a plainclothes/undercover officer is part of the group being contacted, the officer should treat the plainclothes/undercover officer the same as all other individuals in the group (e.g., maintain cover and control positions, conduct a patdown search, etc.).
-

Example

Example: While off duty, you enter a restaurant and observe one of your academy classmates seated at a booth with two other males. They appear to be having a serious conversation. Your classmate is unshaven and somewhat disheveled, makes eye contact with you but does not give any indication of acknowledging you. In this example your classmate could be engaged in undercover activity, or merely visiting with friends. Because you don't know which, your best course of action is not to acknowledge your classmate in any way and to continue on about your business.

Foot Pursuits

[21.02.EO13]

Introduction

Foot pursuits are one of the most dangerous and unpredictable situations for officers. All foot pursuits must be considered high risk.

Inherent dangers

Foot pursuits can be difficult to control or coordinate. There are a number of inherent dangers regarding foot pursuits.

During a foot pursuit:

- the fleeing subject may be armed.
 - the fleeing suspect controls the route, not the pursuing officer(s).
 - officers may lose track of their own locations as well as that of the subject.
 - an officer may be separated from his or her partners.
 - radio transmissions often become very difficult to understand.
 - officers can drop and/or lose equipment (e.g., radios, batons, keys, etc.).
 - officers may be led into high risk areas and become vulnerable to an ambush situation involving additional suspects.
-

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Foot Pursuits, Continued

Safety considerations

Officers must consider not only their own safety but the safety of fellow officers and the public before initiating a foot pursuit. The following table identifies factors and safety considerations regarding foot pursuits.

Factor	Considerations
Public safety	<ul style="list-style-type: none">• If a foot pursuit represents an unusual risk to the officer or the public, it may be more desirable to establish a perimeter and initiate a systematic search of the area.
Physical condition of pursuing officers	<ul style="list-style-type: none">• During a foot pursuit, the blood supply to an officer's brain slows in order to supply blood to the officer's muscles enabling the body to "speed up."• When sprinting after a subject, officers may inadvertently hold their breath during the initial 30+ yards of the pursuit. This can further deplete the brain of oxygen.• If two officers are in very different degrees of physical condition, there is a greater possibility of the officers becoming separated during the pursuit. (e.g., One officer becomes winded and has to drop back or quit while the other continues alone.)• Officers who are winded or fatigued may have greater difficulty maintaining control of their firearms during a physical confrontation with a suspect.

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Foot Pursuits, Continued

Safety considerations
(continued)

Factor	Considerations
Available equipment	<ul style="list-style-type: none"> • Officers wear and/or carry <i>in excess of 25 pounds</i> of leather and equipment. Fleeing subjects may have no additional weight to carry. • Officers may be wearing heavy footwear unsuitable for running while fleeing suspects may be wearing running shoes.
Retention of weapons and equipment	<ul style="list-style-type: none"> • Holsters can break or snaps come loose during a rigorous pursuit making it more difficult for officers to maintain control of their primary and backup firearms and weapons. • Pieces of equipment can easily flap or shake loose or get caught on objects during a foot pursuit leaving the officer without necessary items such as radios, handcuffs, keys to the patrol vehicle, etc. • Officers lose the capability of retrieving equipment that may be left behind in the patrol vehicle.
Ability to follow through at end of pursuit	<ul style="list-style-type: none"> • Officers must be physically capable of functioning effectively even at the end of a lengthy foot pursuit. • If a physical confrontation between the subject and officer takes place at the end of the pursuit, the pursuing officer must still be capable of gaining and maintaining control of the subject.

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Foot Pursuits, Continued

Justification

Officers should have justification for initiating a foot pursuit of a fleeing suspect (e.g., the officer observing suspected or actual criminal activity).

Individuals may attempt to flee from an officer for reasons which are unknown to the officer. For example, they:

- are on probation or parole and do not wish to come into contact with officers,
- have committed other unrelated offenses,
- have known wants or warrants out for them,
- fear retaliation if seen talking to officers, or
- already have “two strikes” against them and do not want to be arrested for the third.

The implication that “only a guilty person would run from an officer” may not always be true. In some cultures, law enforcement officers are feared and an individual may simply be afraid.

Indications of a plan to flee

Officers should be aware of a number of possible indicators that a subject, (who they are approaching or have approached), is about to flee. These may include, but are not limited to, subjects:

- looking around or “scanning” for an avenue of escape,
 - standing on the balls of their feet,
 - rocking back and forth or “bouncing” in position,
 - jumping off of or out of a vehicle,
 - backing away from an approaching officer (or patrol unit), or
 - attempting to distract an officer’s attention.
-

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Foot Pursuits, Continued

Guidelines for foot pursuits

The following table presents basic guidelines for conducting a safe and effective tactical foot pursuit of a fleeing subject.

	General Guidelines
Plan of Action	<ul style="list-style-type: none"> • Officers should discuss safety factors as well as possible plans for taking action in situations involving fleeing subjects. • Plans may include, but are not limited to: <ul style="list-style-type: none"> - actions they would take if a fellow officer is wounded and a subject flees on foot. - coordination of who will transmit radio traffic. - appropriate use of or escalation of force.
Working with a Partner	<ul style="list-style-type: none"> • If partner officers stay together during a foot pursuit, there is a greater likelihood that a safe and successful outcome will occur. • If partners become separated, officers should reevaluate the level of risk before continuing the pursuit.
Vehicle Pullovers	<ul style="list-style-type: none"> • If a foot pursuit begins with the subject fleeing from a vehicle the officer has just stopped, officers should generally remain with the vehicle rather than pursue the subject on foot. • The remaining vehicle may contain: <ul style="list-style-type: none"> - additional suspects, - items that would identify the fleeing suspect, and/or - other evidence of criminal activity.

Continued on next page

Foot Pursuits, Continued

**Guidelines
for foot
pursuits
(continued)**

	General Guidelines
Pursuits Around Blind Corners	<ul style="list-style-type: none"> • Officers should pursue subjects around blind corners as widely as possible in order to better see what they may be approaching. (This tactic may also be referred to as “cutting the pie,” “slicing the pie,” or “fanning.”) • If conditions prevent such action, officers may choose to, when possible: <ul style="list-style-type: none"> - use a hand-held mirror to see around the corner first, - peer around the corner at a level lower than where a subject would expect to encounter the officer, or - call off the pursuit.
High Obstacles (e.g., fences, walls, etc.)	<ul style="list-style-type: none"> • High obstacles may prevent officers from seeing: <ul style="list-style-type: none"> - a subject who is lying in wait, - a vicious dog or other animal, - dangerous drops or hazardous terrain, or - other hazardous obstacles on the other side. • Before pursuing a suspect over a high fence or wall, officers should: <ul style="list-style-type: none"> - stop, - listen, and - attempt to peer through, over, or around the obstacle near the point where the subject went over.

Continued on next page

Foot Pursuits, Continued

**Guidelines
for foot
pursuits
(continued)**

	General Guidelines
Drawn Firearms	<ul style="list-style-type: none"> • Whether or not officers should pursue a subject with their firearms drawn is generally based on specific agency policy and may depend on the: <ul style="list-style-type: none"> - seriousness of the offense, - officer's perception of risk, - potential for an accidental discharge, and/or - risk of creating a weapon retention problem.
Poor Visibility	<ul style="list-style-type: none"> • Officer safety hazards are greatly increased when a pursuit is initiated in bad weather, low light, or nighttime conditions. • Officers may be inhibited from: <ul style="list-style-type: none"> - keeping sight of the suspect, - staying with a partner, or - identifying hazardous obstacles (e.g., ditches, rocks, barbed wire, etc.).
Pursuits into Buildings or Structures	<ul style="list-style-type: none"> • Officers should avoid continuing the pursuit if the subject flees into a building or other structure. • Following the subject could lead to: <ul style="list-style-type: none"> - an ambush situation with "suspect-friendly" supporters, - a possible hostage situation, or - the likelihood that the subject may have access to weapons within the building/structure. • Under such conditions, officers should: <ul style="list-style-type: none"> - establish a perimeter around the building/structure, - call for additional support or backup, and - if conditions allow, coordinate with other officers to conduct a systematic tactical search of the building/structure.

Continued on next page

Foot Pursuits, Continued

**Guidelines
for foot
pursuits
(continued)**

	General Guidelines
Losing Sight of the Suspect	<ul style="list-style-type: none">• If officers should lose sight of the fleeing subject at any time during the pursuit, they should:<ul style="list-style-type: none">- stop, look, and listen for possible locations where the subject could be hiding or the direction the subject may be moving,- consider establishing a perimeter in the area,- call for additional support or backup, and- if conditions allow, coordinate with other officers to conduct a systematic tactical search of the area.

Continued on next page

Foot Pursuits, Continued

Examples

Example: An officer initiated a traffic stop. The driver of the target vehicle stopped the vehicle and immediately exited the car and began running down the street. Rather than pursue the subject on foot, the officer remained with the subject's vehicle and contacted dispatch to advise other units of the situation. The officer gave the location, direction in which the subject was running, subject description, and requested assistance. Other units in the area responded and set up a perimeter. The subject was located and arrested. By keeping dispatch advised and requesting backup, the officer apprehended the suspect.

Example: An officer responded to a domestic violence call. The suspect in question was on parole for assault. As the officer drove up to the subject's residence, he observed the subject standing outside the house. Before exiting the car, the officer advised dispatch of the situation, gave the subject's history, and requested additional units to respond to the location. The officer exited the patrol car and approached the subject who began to run toward an alley. The officer pursued on foot, advising dispatch of the direction of travel. As the officer continued the pursuit, he directed the responding backup units to set up a perimeter. The fleeing subject ran toward a waiting officer on the perimeter and was apprehended. The officer coordinated efforts with other units to safely locate a potentially violent subject.

Continued on next page

Foot Pursuits, Continued

Examples (continued)

Non-example: Using the same scenario as in the previous example, the officer did not notify dispatch of the subject's history or request backup in advance. Instead, when the subject fled, the officer pursued and during the pursuit communicated the situation to dispatch and requested backup. Before the units could arrive, the subject turned and confronted the officer in the alley. The two struggled and the officer was injured. By not requesting backup for assistance with a subject with a history of violence, the officer placed himself in unnecessary danger.

Chapter Synopsis

Learning need To maintain flexibility and effectiveness, peace officers need to know the basic tactics and procedures of patrol.

Preparing for a patrol assignment
[21.02.EO3] Preparation prior to beginning a patrol assignment generally includes:

- preparing mentally to do the job,
- checking all personal equipment,
- acquiring any necessary resource information and materials/supplies,
- inspecting each piece of equipment issued at the beginning of the shift.

Appropriate speed
[21.02.EO6] Officers should patrol at a speed that is reasonable for the tasks they are performing (e.g., patrolling in heavy traffic, patrolling in a residential or business area, etc.).

Driving at a slower speed while on patrol:

- provides a maximum opportunity to observe while maintaining effective control of the vehicle,
 - contributes to public awareness and visibility,
 - maximizes contact with members of the community and provides a positive law enforcement image,
 - decreases engine noise enabling an officer to get closer to any criminal activity without being detected.
-

Vehicle placement
[21.02.EO7] Officers should always make a reasonable effort to park their patrol vehicles in a lawful manner.

Silhouetting and telltale noise
[21.02.EO8] If an officer assumes a position between a suspect and a source of backlight, the officer's silhouette could clearly identify the officer's position to a suspect.
Making any telltale noise can jeopardize officer safety while on patrol.

Continued on next page

Chapter Synopsis, Continued

Radio transmissions
[21.02.EO9]

Monitor the frequency, initiate the call, speak clearly, limit the length of the transmission.

Crime broadcast
[21.02.EO10]

The effectiveness of crime broadcasts can be greatly affected by the officer's ability to clearly transmit timely and relevant information.

Approaching/detaining a pedestrian subject
[21.02.EO11]

Officers must approach *every* contact, whether a consensual encounter or a lawful detention, with officer safety in mind.

Plainclothes/undercover officers
[21.02.EO12]

While on patrol (or when off duty) officers may encounter other peace officers who are functioning as plainclothes/undercover officers. If such an encounter takes place, patrol officers should take all necessary measures not to draw attention to the plainclothes/undercover officer.

Foot pursuits of fleeing suspects
[21.02.EO13]

Foot pursuits are one of the most dangerous and unpredictable situations for officers. All foot pursuits must be considered high risk.

Workbook Learning Activities, Continued

Activity questions
(continued)

3. Officers on vehicle patrol receive a report of a five-year-old girl abducted from her day care center by her noncustodial father. As their unit passes by a large park/recreation area at dusk, one officer spots a man fitting the suspect's description carrying a young girl down a park path toward a wooded picnic area. How should officers proceed? Should they pursue on foot? What factors should influence this decision? How could the patrol vehicle be used to best tactical advantage?

4. Officers receive an emergency call to the scene of a domestic violence incident in which the victim received several blows to the head and is now unconscious. The incident was reported to 911 by the victim's mother who saw the victim's ex-husband assault her daughter. The mother gives officers a complete description of the suspect and his clothing. She also informs officers that the fight was over the victim's late model pick-up, in which the suspect drove off after the assault. The mother adds that her daughter kept a handgun in the truck's glove compartment for protection. Write a script of the crime broadcast the contact officer should transmit regarding this crime. Fill in specific descriptive details where needed.

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

7. Refer to the background information in question six. Residents who use these paths have reported to law enforcement that groups of students have been smoking marijuana on a path bridge approximately 1/4 mile from the convenience store. The officer and her partner spot a group of about five teens walking away from the convenience store, down the path toward the bridge. The officers decide to follow. They observe the group gathered at the bridge, smoking some sort of cigarette. One teen throws the cigarette in the creek when she sees the officers approaching. The officers recognize two members of the group and choose to make contact. How should officers continue the approach? What should they consider, and what should they watch for? How would the situation change if officers smell marijuana as they make contact?

 8. The manager of a local supermarket calls officers to the scene after a cashier is robbed at gunpoint. The cashier provides a detailed description of the suspect, including what he was wearing. On patrol following this interview, officers spot a person matching this description and detain him. The suspect refuses to answer questions until he sees an attorney. How should officers proceed? If the cashier has gone off duty and is not expected home for approximately two hours, should officers continue to detain the suspect? Why or why not?
-

Glossary

Introduction **The following glossary terms apply only to Learning Domain 21: Patrol Techniques.**

call sign Law enforcement radio caller/receiver identification information

concealment Anything that prevents an opponent from *observing* the officer

consensual encounter Contact between a private person and a peace officer where the person is not obligated to stay, cooperate or answer questions

contact officer The officer initiating an action who becomes responsible for conducting the contact

cover Anything that may *stop* or *deflect* an opponent's weapons

cover officer The officer responsible for surveillance and control of a suspect in order to free the contact officer to perform a thorough investigation

crime broadcast Critical information regarding criminal activity transmitted by law enforcement radio communication

detention An assertion of authority that would cause reasonable persons to believe they are obligated to stay, cooperate, or answer questions

Continued on next page

Glossary, Continued

**emergency
radio traffic**

Law enforcement radio communications with the highest priority (e.g., in-progress felonies, officer calls for help, crime broadcasts, etc.)

**non-emergency
radio traffic**

Lower priority law enforcement radio communications (e.g., status changes, calls for service, etc.)

observation

The ability to gather information by noting facts or occurrences with a heightened sense of awareness

**officer
safety**

The practical application of tactically sound procedures to perform law enforcement activities in a safe and effective manner

perception

The personal analysis derived from an observation; involves interpreting observations, organizing them, and attaching meaning or significance to them

**reasonable
suspicion**

When a peace officer has facts and circumstances to make it reasonable for the officer to suspect that criminal activity may be afoot, and that the person detained is connected to that activity

**trained
observers**

Officers who practice disciplined *observation*, and apply training and experience to accurately *perceive* what is occurring or is about to occur

Basic Course Workbook Series Student Materials

**Learning Domain 22
Vehicle Pullovers
Version 3.1**

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THE ACADEMY TRAINING MISSION

The primary mission of basic training is to prepare students mentally, morally, and physically to advance into a field training program, assume the responsibilities, and execute the duties of a peace officer in society.

FOREWORD

The California Commission on Peace Officer Standards and Training sincerely appreciates the efforts of the many curriculum consultants, academy instructors, directors and coordinators who contributed to the development of this workbook. The Commission extends its thanks to California law enforcement agency executives who offered personnel to participate in the development of these training materials.

This student workbook is part of the POST Basic Course Training System. The workbook component of this system provides a self-study document for every learning domain in the Basic Course. Each workbook is intended to be a supplement to, not a substitute for, classroom instruction. The objective of the system is to improve academy student learning and information retention.

The content of each workbook is organized into sequenced learning modules to meet requirements as prescribed both by California law and the POST Training and Testing Specifications for the Basic Course.

It is our hope that the collective wisdom and experience of all who contributed to this workbook will help you, the student, to successfully complete the Basic Course and to enjoy a safe and rewarding career as a peace officer serving the communities of California.

A handwritten signature in black ink, appearing to read 'Paul Cappitelli', with a stylized flourish at the end.

PAUL CAPPITELLI
Executive Director

LD 22: Vehicle Pullovers

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Preface

Introduction

Student workbooks

The student workbooks are part of the POST Basic Course Instructional System. This system is designed to provide students with a self-study document to be used in preparation for classroom training.

Regular Basic Course training requirement

Completion of the Regular Basic Course is required, prior to exercising peace officer powers, as recognized in the California Penal Code and where the POST-required standard is the POST Regular Basic Course.

Student workbook elements

The following elements are included in each workbook:

- chapter contents, including a synopsis of key points,
 - supplementary material, and
 - a glossary of terms used in this workbook.
-

How to Use the Student Workbook

Introduction

This workbook provides an introduction to the training requirements for this Learning Domain. It is intended to be used in several ways: for initial learning prior to classroom attendance, for test preparation, and for remedial training.

Workbook format

To use the workbook most effectively, follow the steps listed below.

Step	Action
1	Begin by reading the: Preface and How to Use the Workbook, which provide an overview of how the workbook fits into the POST Instructional System and how it should be used.
2	Refer to the Chapter Synopsis section at the end of each chapter to review the key points that support the chapter objectives.
3	Read the text.
4	Complete the Workbook Learning Activities at the end of each chapter. These activities reinforce the material taught in the chapter.
5	Refer to the Glossary for a definition of important terms. The terms appear throughout the text and are bolded and underlined the first time they appear (e.g., <u>term</u>).

Chapter 1

Introduction to Vehicle Pullovers

Overview

Learning need Peace officers must recognize the inherent risks involved when conducting a vehicle pullover in order to take the appropriate precautions necessary to ensure their own safety as well as the safety of others.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to...	E.O. Code
<ul style="list-style-type: none">• describe the three basic categories of vehicle pullovers, to include:<ul style="list-style-type: none">- traffic enforcement pullover,- investigative pullover,- high-risk pullover.	22.01.EO1 22.01.EO2 22.01.EO3
<ul style="list-style-type: none">• describe the inherent risks to officer safety that are associated with conducting a vehicle pullover.	22.01.EO4
<ul style="list-style-type: none">• demonstrate appropriate actions officers can take to maintain their own safety and the safety of others while conducting a vehicle pullover.	22.01.EO5

Continued on next page

Overview, Continued

In this chapter This chapter focuses on basic safety considerations associated with vehicle pullovers. Refer to the chart below for specific topics.

Topic	See Page
Categories of Vehicle Pullovers	1-3
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Categories of Vehicle Pullovers

[22.01.EO1, 22.01.EO2, 22.01.EO3]

Introduction

Conducting vehicle pullovers is one of the most frequent duties that a patrol officer will perform. Peace officers conduct vehicle pullovers for a wide variety of reasons ranging from issuing a citation for an equipment violation to apprehending an armed and dangerous felon. It is not unusual for a patrol officer to stop at least one car per shift, if not more.

Ethics

Stereotyping or deciding how to conduct a vehicle stop based on the appearance of the passengers or the vehicle is bad for the community, bad for the officer, and against the law. Every traffic stop must be based on a standard of reasonable suspicion or probable cause consistent with the Fourth Amendment of the United States Constitution. Also, every stop must meet the “equal protection of the laws” standard established by the Fourteenth Amendment of the United States Constitution. That is, race, ethnicity, or national origin may not be considered in any fashion or to any degree by law enforcement, except when officers are looking for specific suspects identified in part by those criteria.

Levels of risk

Conducting a vehicle pullover can be one of the most dangerous duties a patrol officer can perform. Violent acts that have taken place during a vehicle pullover are among the leading causes of officer injuries and death.

Continued on next page

Categories of Vehicle Pullovers, Continued

Levels of risk
(continued)

A key consideration when preparing to make a vehicle pullover is the amount of risk perceived by the patrol officer. All vehicle pullovers will fall into one of the two risk levels noted in the following table.

Perceived Level of Risk	Vehicle pullovers that generally involve...	Examples
Unknown risk	<ul style="list-style-type: none"> • traffic or equipment violations, • suspicious activity, • a citizen request, or • certain misdemeanors. 	<ul style="list-style-type: none"> • Stopping a vehicle to notify the owner of a broken tail light • Pulling over a suspicious vehicle that is cruising in a deserted business area late at night
High-risk	<ul style="list-style-type: none"> • felony violations, • serious misdemeanors, • vehicles that match a description given during a crime broadcast, or • stolen vehicles (often used in other serious crimes). 	<ul style="list-style-type: none"> • Stopping a vehicle that matches one used in a drive by shooting • Pulling over a vehicle that has just been involved in a serious traffic accident and failed to stop

NOTE: Individual agency policies may differ regarding which types of crimes would be considered “high-risk.”

Continued on next page

Categories of Vehicle Pullovers, Continued

Risk assessment

As a general rule, **risk assessment** refers to the level of anticipated risk involved with any vehicle pullover based on the officer's perception of danger due to a suspect's conduct, or advance knowledge. This knowledge may come from sources such as, but not limited to:

- that officer's personal observations,
 - information from dispatch,
 - information obtained by running the vehicle's license plate,
 - number of occupants in the vehicle,
 - availability of assistance/back up units, or
 - other means the officer may reasonably rely upon, e.g., crime broadcasts, criminal information bulletins, hot sheets, attempts to locate (ATLs), personal crime notes.
-

Categories of vehicle pullovers

Vehicle pullovers can also be generally divided into three basic categories based on the degree of risk anticipated.

- Traffic enforcement pullovers
- Investigative pullovers
- High-risk pullovers

NOTE: Individual departments may describe the types of vehicle pullovers differently. Some agencies may use terms such as "car stop," "traffic stop" or "vehicle stop" interchangeably with the term "vehicle pullover."

Continued on next page

Categories of Vehicle Pullovers, Continued

Category descriptions

The following table identifies a number of general conditions for conducting each category of pullover.

	are generally made because a patrol officer has...	Examples
Traffic enforcement pullovers...	<ul style="list-style-type: none"> • reason to believe the driver has committed a traffic infraction. • no objective reason to believe that the vehicle's occupants represent an unusual risk. • an expectation that the pullover would result in a citation. 	<ul style="list-style-type: none"> • Pulling over a vehicle after witnessing the driver's failure to stop at a stop sign
Investigative pullovers...	<ul style="list-style-type: none"> • an expectation that the pullover involves less risk than a "high-risk" pullover, but more than a traffic enforcement pullover. • reason to believe that one or more of the vehicle's occupants has engaged, or is about to engage, in criminal activity. • an expectation that the pullover would involve an investigation that might lead to a custodial arrest for a violation of the Vehicle Code, the Penal Code or other statute. 	<ul style="list-style-type: none"> • Officer suspects driver is drunk. • Officer observes occupants smoking marijuana. • Officer observes black out vehicle in a high crime area at night.

Continued on next page

Categories of Vehicle Pullovers, Continued

Category descriptions
(continued)

	are generally made because a patrol officer has...	Examples
High-risk pullovers...	<ul style="list-style-type: none"> • reason to believe that one or more of the occupants of the car may be: <ul style="list-style-type: none"> - armed, - represent a serious threat to the officer, or - have committed a felony. 	<ul style="list-style-type: none"> • Occupants involved in a drive-by shooting • Occupant in possession of a firearm

Changing nature of pullover

A patrol officer may make observations that would cause a traffic enforcement or investigative pullover to escalate to the level of a high-risk pullover. The patrol officer's observations may also make de-escalation appropriate.

Example: During a traffic stop for a car with a missing taillight, a patrol officer noticed several empty beer cans on the floor of the car. The officer now has reason to believe the driver may have been drinking alcohol while driving. The traffic pullover has now escalated to an investigative pullover.

Example: A patrol officer stopped a car for running a stop sign. As the officer approached the driver, the officer observed what appeared to be a semi-automatic weapon on the front passenger seat of the car. Because the officer now has reason to believe the driver may be armed, what began as a traffic pullover has escalated from a traffic stop to a high-risk pullover. The officer will take added safety precautions in approaching the vehicle.

Officer Safety While Conducting a Vehicle Pullover

[22.01.EO4, 22.01.EO5]

Introduction

Conducting vehicle pullovers can be one of the most dangerous duties a peace officer performs. Violence related to vehicle pullovers is among the leading causes of peace officer injuries and deaths.

Officer safety

Officer safety refers to the practical application of tactically sound procedures in conducting all categories of vehicle pullovers. Specifically, officer safety involves:

- developing a plan of action prior to initiating the pullover,
- requesting and using backup assistance when necessary,
- appropriately using communication/notification resources, and
- applying safe and sound tactics when:
 - initiating the pullover,
 - approaching the vehicle, and
 - making contact with the vehicle occupants.

NOTE: Because of the frequency of vehicle pullovers, peace officers can come to regard such tasks as “routine.” Such complacency compromises officer safety by causing officers to ignore danger signs during vehicle pullovers.

Peace officers should handle all vehicle pullovers with caution and always keep in mind that ***no vehicle pullover is “routine.”***

Continued on next page

Officer Safety While Conducting a Vehicle Pullover,

Continued

Inherent safety hazards

Statistical analysis has shown that vehicle pullovers are the third most dangerous law enforcement activity a patrol officer can encounter. (*California Law Enforcement Officers Killed and Assaulted in the Line of Duty*, 2001)

Safety hazards that may be inherent with vehicle pullovers include, but are not limited to:

- unpredictable aggressive actions by the violator/suspect or bystanders,
 - unknown identity of the violator/suspect, (e.g., dangerous felon wanted for a crime not associated with the traffic stop)
 - dangerous environmental conditions, (e.g., fog, ice, bright sunshine, etc.)
 - varying road conditions, (e.g., multiple lane traffic, narrow or no shoulders, etc.) or
 - the existence of other vehicular traffic on the same roadway.
-

Jeopardizing officer safety

Patrol officers who fail to recognize the inherent dangers of conducting a vehicle pullover may ignore danger signs and fail to take appropriate precautions.

Continued on next page

Officer Safety While Conducting a Vehicle Pullover,

Continued

Fatal errors

Experience has shown that there are a number of common errors that officers can make while conducting a vehicle pullover. Committing any one can place an officer’s safety in jeopardy.

The following table identifies the most common errors made by officers that place them at risk during vehicle pullovers.

Error	Example
<p>“Tombstone Courage”</p> <ul style="list-style-type: none"> • Overly anxious to show courage • Trying to handle dangerous situations beyond officer’s ability or experience • Failure to call for back-up when necessary 	<p>A patrol officer stopped a car for speeding on a city street. After pulling the car over and before exiting the patrol car, the officer noticed the car contained five occupants who were dressed like members of a local gang. Instead of calling for assistance and waiting for the backup unit to arrive, the officer decided to handle the pullover alone. As the officer approached the car, the driver pulled out a hand gun and shot the officer.</p>
<p>Poor positioning</p> <ul style="list-style-type: none"> • Failure to exercise caution in positioning of officer and/or patrol vehicle • Rushing into a situation without planning the pullover 	<p>During an investigative pullover, a patrol officer interviewed the driver while both the officer and the driver were standing behind the target vehicle. The officer began to search the trunk of the target vehicle while the driver stood near. While the officer was searching the trunk, the driver and one occupant of the car attacked the officer, took the officer’s weapon and fled. The officer allowed the suspect to get too close and should not have conducted a vehicle search alone.</p>

Continued on next page

Officer Safety While Conducting a Vehicle Pullover,

Continued

Fatal errors
(continued)

Error	Example
<p>Physical and mental fatigue</p> <ul style="list-style-type: none"> • Failure to get adequate rest • Attention and reflexes are compromised. 	<p>An officer, who had been working a great deal of overtime, was assigned to a DUI checkpoint. After several hours standing on the line, the overtired officer began to conduct less thorough screenings.</p>
<p>Failure to watch a suspect's hands</p> <ul style="list-style-type: none"> • Officer misses occupant(s) reaching for a firearm or other deadly weapon, or • Officer fails to notice suspect disposing of evidence. 	<p>Officers stopped a vehicle and ordered the driver to exit the vehicle and approach the officers. As he approached, the driver dropped a small bag of drugs, unnoticed by the officers. The officers later located the drugs as they were searching the area near the car. But because they were not watching the driver's hands when this occurred, they were not able to connect the evidence to the driver.</p>
<p>Complacency</p> <ul style="list-style-type: none"> • Process becomes routine • Ignoring signs occupant(s) are an immediate threat 	<p>During a traffic enforcement pullover, the driver appeared to be very nervous and agitated. The patrol officer ignored the driver's nervousness, and after obtaining the driver's licenses and I.D., walked back to the patrol car to write the citation. As the officer walked away, the driver reached under the seat, pulled out a handgun and began shooting at the officer.</p>

Continued on next page

Officer Safety While Conducting a Vehicle Pullover,

Continued

Fatal errors
(continued)

Error	Example
<p>Bad attitude</p> <ul style="list-style-type: none"> • Treating vehicle occupant(s) disrespectfully 	<p>A patrol officer stopped a vehicle for an equipment violation. The driver was furious at being stopped and yelled, “Why don’t you go out and catch real criminals?” The officer also became angry and yelled back at the driver, threatening him with arrest. The situation escalated with the driver refusing to cooperate at all. Additional units were called and another officer managed to calm the situation and issued the citation to the driver.</p>
<p>Relaxing too soon</p> <ul style="list-style-type: none"> • Uneventful vehicle pullovers • Becoming careless 	<p>A patrol officer, near the end of an uneventful shift, stopped a car for speeding. The officer quickly obtained the driver license and I.D., returned to the patrol car and began writing the citation. The officer’s partner observed that the driver and passenger were talking animatedly and seemed to be searching on the floor of the car. The second officer approached the car on the passenger side and saw a handgun on the floor near the driver.</p>

Continued on next page

Officer Safety While Conducting a Vehicle Pullover,

Continued

Fatal errors
(continued)

Error	Example
<p>Not using available equipment properly</p> <ul style="list-style-type: none"> • Failure to cuff or use other restraints when necessary • Improperly cuffing a prisoner 	<p>Two officers arrested a suspect on a DUI and placed the suspect in the patrol vehicle. The suspect was well-known to the officers and was always docile and cooperative. The officers did not handcuff the suspect before placing him in the patrol car. While being removed from the patrol car, the suspect assaulted one of the officers, injuring him, before being subdued by both officers.</p>
<p>Failure to search or conducting a poor search</p> <ul style="list-style-type: none"> • cursory search of the occupant(s) or vehicle • Failure to locate firearms, other deadly weapons or contraband 	<p>In the previous example, the officers did handcuff the suspect but conducted only a cursory search because the officers were well-acquainted with the suspect and felt he presented no risk. After the suspect was transported to the local detention facility, the suspect was found to have a handgun in a coat pocket.</p>
<p>Inadequate communication</p> <ul style="list-style-type: none"> • Not communicating with partner and/or other units • Not establishing roles (contact, cover, etc.) 	<p>During a high-risk vehicle pullover, one officer noticed that there was a child in the target vehicle. Without telling the other officers of his intention, the officer immediately approached the target vehicle to remove the child. The officer left cover and concealment, without communicating with fellow officers, and created a danger of cross-fire.</p>

Continued on next page

Officer Safety While Conducting a Vehicle Pullover,

Continued

Fatal errors
(continued)

Error	Example
Poor weapon maintenance <ul style="list-style-type: none"><li data-bbox="461 485 850 590">• Undependable weapon resulting in injury or death to officer	An officer conducted a traffic enforcement pullover on a vehicle that ran a stop sign. The officer, observing the driver reaching for something on the front seat, immediately pulled his weapon. The driver came up with a gun and began shooting at the officer. The officer tried to return fire but the weapon failed to fire because the officer had not cleaned the sidearm after last qualifying at the firing range.

Continued on next page

Officer Safety While Conducting a Vehicle Pullover,

Continued

Officer safety guidelines

Along with general safety guidelines for officers on patrol, there are a number of guidelines that officers should be aware of relating to vehicle pullovers.

Officer Safety Guideline	Additional Information
Be aware that suspects have guns.	<ul style="list-style-type: none">• Assume the person being stopped or contacted may be armed.
Call in contacts.	<ul style="list-style-type: none">• Dispatch should be notified of all contacts including the nature and location of every stop.
Maintain a position of advantage.	<ul style="list-style-type: none">• Identify, plan, then move to a position that is advantageous.• <i>Do not abandon the location until it is safe.</i>
Consider varying vehicle approach.	<ul style="list-style-type: none">• A passenger side approach can be advantageous for officer safety in many situations.
Know location of the vehicle pullover.	<ul style="list-style-type: none">• Know the street name, cross street, and direction of travel of every pullover.

NOTE: For additional officer safety guidelines for officers on patrol assignments, refer to LD 21: *Patrol Techniques* and LD 23: *Crimes in Progress*.

Chapter Synopsis

Learning need Peace officers must recognize the inherent risks involved when conducting a vehicle pullover in order to take the appropriate precautions necessary to ensure their own safety as well as the safety of others.

Categories of vehicle pullovers The following table identifies a number of general conditions for conducting each category of pullover.

	are generally made because a patrol officer has...
Traffic Enforcement Pullovers [22.01.EO1]	<ul style="list-style-type: none">• reason to believe the driver has committed a traffic infraction.• no objective reason to believe that the vehicle’s occupants represent an unusual risk.• an expectation that the pullover would result in a citation.
Investigative Pullovers [22.01.EO2]	<ul style="list-style-type: none">• an expectation that the pullover involves less risk than a “high-risk” pullover, but more than a traffic enforcement pullover.• reason to believe that one or more of the vehicle’s occupants has engaged, or is about to engage, in criminal activity.• an expectation that the pullover would involve an investigation that might lead to a custodial arrest for a violation of the Vehicle Code, the Penal Code or other statute.
High-Risk Pullovers [22.01.EO3]	<ul style="list-style-type: none">• reason to believe that one or more of the occupants of the car may be:<ul style="list-style-type: none">- armed,- represent a serious threat to the officer, or- have committed a felony.• an expectation that the pullover could result in an arrest.

Continued on next page

Chapter Synopsis, Continued

Inherent safety hazards

[22.01.EO4]

Safety hazards that are inherent with vehicle pullovers include, but are not limited to:

- unpredictable aggressive actions by the violator/suspect or bystanders,
 - unknown identity of the violator/suspect,
 - dangerous environmental conditions,
 - varying road conditions, or
 - the existence of other vehicular traffic on the same roadway.
-

Officer safety

[22.01.EO5]

The most common error made by officers that place them at risk during pullovers may include:

- tombstone courage,
 - poor positioning,
 - physical and mental fatigue,
 - failure to watch a suspect's hands,
 - complacency,
 - bad attitude,
 - relaxing too soon,
 - not using available equipment properly,
 - failure to search or conducting a poor search,
 - inadequate communication, and
 - poor weapon maintenance.
-

Workbook Learning Activities, Continued

Student notes

Chapter 2

Basic Tactical Considerations for Vehicle Pullovers

Overview

Learning need Peace officers must understand the techniques for conducting tactically sound vehicle pullovers.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to...	E.O. Code
<ul style="list-style-type: none">• demonstrate the safety techniques when initiating a vehicle pullover, including:<ul style="list-style-type: none">- selecting an appropriate location,<ul style="list-style-type: none">- safety factors (e.g., out of flow of traffic)- visibility to passing traffic- avoidance of potentially hostile environments- lighting/illumination- possible escape routes- availability of cover and concealment.- communicating with dispatch.- getting the attention of the driver of the target vehicle,<ul style="list-style-type: none">- lights (e.g., emergency lights, headlights, spotlights)- hand gestures- horn/audible devices- siren- maintaining appropriate distance from target vehicle prior to initiating the pullover.	22.02.EO1
	22.02.EO2
	22.02.EO3

Continued on next page

Overview, Continued

Learning objectives (continued)	After completing study of this chapter, the student will be able to...	E.O. Code
	<ul style="list-style-type: none"> • demonstrate appropriate actions for the safe and tactical placement of the patrol unit. 	22.02.EO4
	<ul style="list-style-type: none"> • apply appropriate procedures for exiting the patrol unit. 	22.02.EO5
	<ul style="list-style-type: none"> • demonstrate appropriate safety precautions patrol officers should take when approaching a target vehicle on foot. 	22.02.EO6
	<ul style="list-style-type: none"> • distinguish between the advantages and disadvantages of a driver side approach, a passenger side approach, and a non-approach to a target vehicle. 	22.02.EO7
	<ul style="list-style-type: none"> • demonstrate appropriate positioning for patrol officers when making face to face contact with the driver of a target vehicle. 	22.02.EO8
	<ul style="list-style-type: none"> • demonstrate the process for conducting a vehicle stop, driver contact, to include: <ul style="list-style-type: none"> - greeting, - identifying self and department, - requesting driver's license, registration, proof of insurance, - explaining the reason for the stop, - making a decision to warn, cite or arrest, and • closing, appropriate to decision. 	22.02.EO11

Continued on next page

Overview, Continued

Learning objectives
(continued)

After completing study of this chapter, the student will be able to...	E.O. Code
<ul style="list-style-type: none">demonstrate appropriate procedures and communication techniques for directing the driver and occupants out of a target vehicle.	22.02.EO9
<ul style="list-style-type: none">apply appropriate procedures for checking the validity and authenticity of a driver's license or other form of personal identification.	22.02.EO10

In this chapter

This chapter focuses on basic tactics for vehicle pullovers. Refer to the chart below for specific topics.

Topic	See Page
Planning and Initiating a Vehicle Pullover	2-4
Approaching the Target Vehicle	2-13
Making Contact with Vehicle Occupants	2-24
Chapter Synopsis	2-35
Workbook Learning Activities	2-37

Planning and Initiating a Vehicle Pullover

[22.02.EO1, 22.02.EO2 22.02.EO3]

Introduction

In many instances where patrol officers were assaulted during vehicle pullovers, the officers had failed to plan ahead and develop an action plan to help ensure officer safety and a successful outcome to the enforcement action.

Considerations in planning a pullover

The actions a patrol officer may take during a vehicle pullover may be dependent on the:

- type of offense involved,
 - level of perceived threat,
 - environmental conditions, (e.g., weather, lighting, road surface, etc.) and/or
 - type of vehicle being pulled over.
-

Justification for pullover

Patrol officers must be able to articulate, verbally and in writing, a legal reason for initiating each vehicle pullover. The following table identifies examples of lawful reasons based on the category of pullover.

Pullover Category	Examples of Lawful Justifications
Traffic pullover	<ul style="list-style-type: none">• Driver fails to come to a complete stop at a stop sign.• A vehicle's muffler is not working properly and the vehicle is violating noise standards (or any other vehicle code violation.)

Continued on next page

Planning and Initiating a Vehicle Pullover, Continued

Justification for pullover (continued)

Pullover Category	Examples of Lawful Justifications
Investigative pullover	<ul style="list-style-type: none">• A vehicle resembles one reportedly used in a crime.• A vehicle is being operated erratically.
High-risk pullover	<ul style="list-style-type: none">• Occupant of vehicle is displaying a weapon.• A vehicle is identified as one stolen during a car jacking.

NOTE: If the patrol is a two-person unit, the officer must make sure that the partner is aware of any relevant observations that impact the type of reason for the pullover. Solo beat officers should advise communication of reason for the stop.

Selecting a pullover location

Once the officer has a lawful justification for initiating a vehicle pullover, that officer should anticipate possible locations for the actual pullover to take place. The initiating patrol officer, *not* the driver of the target vehicle, should select the pullover site.

If a suitable site is not immediately available, the officer may choose to defer initiating the stop until the officer is able to identify an appropriate location.

Continued on next page

Planning and Initiating a Vehicle Pullover, Continued

Selecting a pullover location (continued)

The following table identifies a number of factors for the patrol officer's consideration.

Factor	Possible Considerations
Traffic	<ul style="list-style-type: none">• Speed of passing vehicles• Number of lanes available• Availability of adequate shoulder so flow of traffic is not disrupted
Visibility	<ul style="list-style-type: none">• Visibility of the patrol vehicle to other motorists• Amount and size of curves leading to the location of the stop (e.g., existence of blind curves)• Weather conditions (e.g., fog, rain, snow, etc.)
Illumination	<ul style="list-style-type: none">• Areas with too much or too little light• Level of distraction emergency lights will have on other motorists (e.g., flashing lights, headlamps, etc.)
Public safety	<ul style="list-style-type: none">• Initiating a high-risk pullover in an area with a greater level of risk to the public (e.g., near a school playground, near a busy intersection, in an area with heavy pedestrian traffic, etc.)

NOTE: The **target vehicle** is the vehicle that is the object of the law enforcement action.

Continued on next page

Planning and Initiating a Vehicle Pullover, Continued

Tactical safety issues

Patrol officers need to also select a location that presents the safest tactical advantages to the officers. Tactical issues that should be considered by the patrol officer include but are not limited to:

- possible escape routes for the occupants of the target vehicle.
 - possible tactical retreat routes for the officer(s).
 - availability of **cover** and **concealment**.
 - avoidance of potentially hostile environments (e.g., angry crowd, unruly groups, etc.).
 - avoidance of other interference potential (e.g., pedestrian traffic, difficulty maintaining patrol vehicle security).
-

Communication with dispatch

Prior to initiating the actual pullover, patrol officers should notify dispatch of their intended actions. Depending on the capabilities of the patrol unit and agency policy, communication may be made via radio or a Mobile Data Terminal (MDT) within the patrol vehicle, if there are two persons in the unit or circumstances allow.

Patrol officers should provide information such as:

- the anticipated location of the pullover and direction of travel.
 - a license number and vehicle description of the target vehicle.
 - the legal justification or nature of pullover (e.g., stopping a suspected DUI or stopping a stolen vehicle).
 - any other information pertinent to the pullover (e.g., information on weapons, number of occupants, etc.).
-

Continued on next page

Planning and Initiating a Vehicle Pullover, Continued

Communication with dispatch (continued)

Officers should make sure all communications are completed before initiating the vehicle pullover.

NOTE: Other patrol units may not be aware of vehicle pullovers in the area when communication is made solely over a MDT.

NOTE: It may also be advisable for the patrol officer to write down the license number and a short vehicle description of the target vehicle before initiating the pullover. Such redundant information may be helpful if an officer assault occurs during the pullover.

Distance between vehicles

It is important to maintain a proper distance between the patrol vehicle and the target vehicle at the time the pullover is initiated.

IF the patrol vehicle is...	THEN...	The patrol vehicle should be:
<i>too far</i> from the target vehicle,	the driver of the target vehicle may be able to flee.	close enough so the officer can maintain visual contact with occupant(s) and/or their activities.
<i>too close</i> to the target vehicle,	there may be a greater potential for a rear-end collision if the driver of the target vehicle should make a sudden stop.	positioned far enough behind the target vehicle so the patrol officer can read the license plate of the target vehicle.

NOTE: For high-risk vehicle pullovers, officers should maintain a greater distance from the target vehicle, generally two to three car lengths or 20 to 30 feet.

Continued on next page

Planning and Initiating a Vehicle Pullover, Continued

Getting the driver's attention

Once a suitable location has been identified and the patrol unit is in the proper position, the patrol officer can activate the warning lights on the patrol vehicle in an attempt to get the attention of the driver of the target vehicle.

If the driver fails to respond to the warning lights, it may be necessary for the patrol officer to utilize one or more of the following additional methods.

- Honk the horn.
 - Alternate high and low beams (day or night).
 - Pan the spotlight, but avoid keeping it in one position which might blind the driver of the target vehicle.
 - Use appropriate hand gestures, such as waving the person to the side of the road.
 - Use the patrol vehicle's public address system to direct the driver to pull over.
 - Give a short blast of the siren.
-

Agency policy

Individual agency policies may vary regarding procedures for planning and initiating vehicle pullovers and initiating a pursuit of a noncompliant driver. Each patrol officer is responsible for knowing and complying with the policies and guidelines for that officer's agency.

Continued on next page

Planning and Initiating a Vehicle Pullover, Continued

Failure to yield

Occasionally, a patrol officer may encounter a driver who will not yield to any of the techniques previously noted. While this may be a deliberate failure to yield, officers should also consider the possibility that the driver has the radio or CD player turned at full volume or is talking on a cell phone.

Another possibility is that the driver has a physical impairment such as a hearing deficit. For example, an officer may encounter a deaf or hearing impaired driver during a traffic stop. That driver may not hear the officer or even be aware of the officer's presence.

NOTE: For further information regarding persons with disabilities, consult LD 37: *Persons with Disabilities*.

Vehicle pursuits

If a driver of the target vehicle is aware of an officer's signals to stop but ignores them and continues to flee, patrol officers may initiate a vehicle pursuit of the suspect if:

- they have reason to believe the suspect presents a clear and immediate threat to the safety of others, *or*
- the suspect has committed or attempted to commit a violation of the law, *and*
- the necessity of immediate apprehension outweighs the level of danger created by the pursuit.

Officers must also make an honest assessment of their own *training and experience*, as well as the *capabilities and limitations of the vehicle* they are driving before they initiate a pursuit.

NOTE: For additional information regarding vehicle pursuits, refer to LD 19: *Vehicle Operations*.

Continued on next page

Planning and Initiating a Vehicle Pullover, Continued

Examples

Example: An officer on patrol observed a vehicle with two occupants driving late at night with no lights in an area where a large number of burglaries had taken place. Because of the time and location, the officer realized the possibility that the occupants may have been involved in illegal activity. Based on discussions that had been held with other units during roll call, the officer called for backup and followed the vehicle. While following the vehicle, the officer noted the license number, description of car and occupants. When the backup unit arrived, the officer communicated all information to the backup unit and to dispatch. The officer selected a well lit area for the pullover, turned on the patrol car's lights and initiated the pullover.

Example: A patrol officer in a rural area observed headlights on a side road at 2:00 am. The patrol officer knew the road had limited traffic, being chiefly used for fishing and hunting access, as well as for drug use and the dumping of cars. The officer stopped at a location where she could observe the vehicle and called for assistance. As the car drove past, the officer relayed the license number, description of the car, and number and description of the occupants. The occupants were three male teenagers who appeared to be wearing gang insignia. The officer followed the vehicle while waiting for a backup unit to arrive. The driver of the vehicle, noticing the patrol car, pulled over and stopped on a dark stretch of the road. The officer did not approach the vehicle, but directed the occupants to remain in the vehicle. The officer notified dispatch of her location and waited for the backup unit. When the backup unit arrived, the officer initiated a high-risk pullover.

Continued on next page

Planning and Initiating a Vehicle Pullover, Continued

Examples (continued)

Non-example: A patrol officer observed a white panel van driving 15 miles above the speed limit on a busy city street. The officer remembered that a white van had been used in a robbery earlier in the day. The officer followed the van, signaling for the driver to pull over immediately. The van pulled over next to the entrance to a high school that was letting out students for the day. Because the officer initiated the stop immediately and didn't locate a good tactical location for the stop, the pullover occurred in an area where others could be at risk.

Approaching the Target Vehicle

[22.02.EO4, 22.02.EO5, 22.02.EO6, 22.02.EO7]

Introduction

Officer safety depends on a thorough understanding of the tactical and safety considerations involved in approaching the target vehicle.

Risk assessment

Patrol officers must constantly assess and reassess the level of risk throughout the vehicle pullover process. Letting one's guard down or becoming complacent at any time could give the suspect(s) an opportunity to assault the officer conducting the stop.

While the driver of the target vehicle is yielding to the patrol officer's signal to pull over, the patrol officer should:

- determine the number of occupants in the vehicle,
 - carefully observe the occupant(s) actions such as:
 - reaching under the seat, into any compartment (e.g., glove compartment), or
 - leaning over the front seat into the back, and
 - consider requesting additional assistance/backup officers if the patrol officer perceives a high level of potential risk.
-

Placement of target vehicle

It is the patrol officer's responsibility to direct the target vehicle to a safe location for stopping. If the driver of the target vehicle stops in an unsafe location, the patrol officer should instruct the person to move the vehicle to a different and safer location.

If the driver of the target vehicle appears to be impaired (e.g., intoxicated), the target vehicle should not be moved. The patrol vehicle should be positioned so as to afford protection to the target vehicle. The officer should approach the target vehicle, activate the lights and call for assistance for traffic control.

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Approaching the Target Vehicle, Continued

Placement of the patrol unit

Patrol officers must select a safe and tactical position for the placement of the patrol unit. The actual distance from the patrol unit to the target vehicle will depend on a variety of factors, including but not limited to:

- the type of pullover,
 - the type of vehicle being stopped,
 - available space, and
 - environment/topography.
-

Offset position

Placing the patrol vehicle in an **offset position** means the officer will:

- stop behind and slightly to the right or left of the target vehicle,
- with the center of the patrol vehicle in line with the right or left fender of the target vehicle (whichever is the most appropriate).

Placing the patrol vehicle in an offset position generally provides additional protection for the patrol officer while approaching the target vehicle on foot.

NOTE: Placing the patrol unit in an offset position may not be appropriate for pullovers involving some types of vehicles (e.g., motor homes, RVs).

Continued on next page

Approaching the Target Vehicle, Continued

Emergency lighting

Once the patrol vehicle is in an appropriate position, officers may consider turning off the patrol unit emergency lights and activating the vehicle's hazard lights.

The following table identifies a number of considerations for appropriate use of patrol unit warning and emergency lights during a vehicle pullover.

IF...	THEN patrol officers should consider...
<ul style="list-style-type: none">the location of the pullover creates a hazardous condition,	<ul style="list-style-type: none">leaving the patrol unit's rear flashing lights activated.
<ul style="list-style-type: none">the patrol unit's lights could distract or hinder visibility of passing motorists or oncoming traffic,	<ul style="list-style-type: none">not using their high beams, spotlights, emergency lights.
<ul style="list-style-type: none">it is essential that responding backup units locate the initial patrol unit quickly,	<ul style="list-style-type: none">using a maximum amount of lighting. (overhead lights, emergency lights)
<ul style="list-style-type: none">low light conditions exist,	<ul style="list-style-type: none">illuminating the target vehicle with high beam headlights or spotlights.

Continued on next page

Approaching the Target Vehicle, Continued

Emergency lighting (continued)

IF...	THEN patrol officers should consider...
<ul style="list-style-type: none"> • patrol vehicle spotlights are being used, <ul style="list-style-type: none"> - focus one on driver's mirror - focus one on rear view mirror 	<ul style="list-style-type: none"> • focusing the beam on the rear view mirror of the target vehicle in order to: <ul style="list-style-type: none"> - prevent the occupants of the target vehicle from observing the officer's approach on foot, and - illuminate the interior of the vehicle and the occupants.

NOTE: Officers should use caution around the patrol vehicle's emergency light so as not to temporarily impair their vision.

NOTE: Specific guidelines for use of emergency lighting during a vehicle pullover will be dependent upon the specific conditions of the vehicle stop and specific agency policy.

Exiting the patrol unit

Patrol officers should exit their patrol units as safely and **quickly** as possible to minimize the danger of the officer being exposed while still seated in the vehicle. In order to accomplish this, officers should:

- have all radio transmissions complete prior to activating emergency lights,
- undo and clear the seat belt prior to coming to a complete stop,
- place the patrol vehicle transmission in park,
- set the parking brake,
- switch on the portable radio (if the radio is not available, the officer should activate the outside speaker and position the microphone for ready access),

Continued on next page

Approaching the Target Vehicle, Continued

Exiting the patrol unit (continued)

- check approaching traffic and open the door only if the path is clear,
- consider lowering the driver and passenger front door windows,
- unlock the doors,
- quickly exit the vehicle, and
- after exiting, momentarily pause to observe the target vehicle.

NOTE: Some agencies encourage officers to turn the patrol vehicle front wheels out toward the roadway. This will facilitate pulling out if the suspect vehicle flees and may also help to protect the officer in the event the patrol vehicle is struck from behind.

Approaching the target vehicle

Once the officer has exited the patrol unit and determined that a safe approach can be made, the patrol officer should:

- stay close to the patrol vehicle to minimize any hazard from passing traffic,
- continuously observe the occupants of the target vehicle,
- maintain an awareness of the surrounding and other hazards,
- keep gun hand free during the approach, and
- use a flashlight sparingly to avoid the potential of vehicle occupants being able to track the officer's movement.

NOTE: Agency policies regarding the use of safety equipment can vary. For example, some agencies require that officers approach vehicles with their baton in the ring.

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Approaching the Target Vehicle, Continued

Methods of approach

Factors such as location, topography and the level of risk may all impact the approach method a patrol officer uses. The following table describes two approach methods and the advantages and disadvantages of each.

	Advantages	Disadvantages
Driver Side Approach	<ul style="list-style-type: none">• Most direct and quickest path to the violator• Provides direct contact with the driver• Provides closer observation of the driver (e.g., can detect a possible DUI, etc.).• Enables officer to better see the Vehicle Identification Number (VIN) on the front windshield	<ul style="list-style-type: none">• More vulnerable to passing traffic• Places officer in “kill zone” on approach (e.g., officer is in the direct line of fire of the driver of the target vehicle)• Allows fewer escape routes/minimal cover for the officer

Continued on next page

Approaching the Target Vehicle, Continued

Methods
of
approach
(continued)

	Advantages	Disadvantages
Passenger Side Approach	<ul style="list-style-type: none"> • Keeps officer away from passing traffic • Provides an element of surprise because most violators expect officer to approach on the left • If a tactical retreat becomes necessary, allows more options for cover and concealment • Allows more opportunities to adjust and modify position as needed upon approach • The angled approach enhances observation of the rear seat and other parts of the target vehicle. 	<ul style="list-style-type: none"> • Officer will need to speak across the passenger if there is a passenger in the target vehicle. • Pedestrian traffic may pose a potential threat to the officer. • Environment may not allow this approach. (e.g., ravines, levees, ditches, etc.) • Officer not able to easily detect objective signs of intoxication.

NOTE: If the officer is making a nighttime approach, it may be more desirable for the officer to go around behind the patrol vehicle during the approach to avoid silhouetting. Officers should use caution when doing so because it may momentarily obscure the officer's ability to observe the target vehicle's occupants.

Continued on next page

Approaching the Target Vehicle, Continued

Non-approach

In some situations, it may be to the officer's advantage to allow the driver or occupants to exit the vehicle. When electing to use this strategy, the officer should remain at the patrol unit in a position of safety. Remaining seated in the patrol vehicle could place the patrol officer in a tactical disadvantage.

The following table describes the advantages and disadvantages of this method.

	Advantages	Disadvantages
Non-approach	<ul style="list-style-type: none"> • If the driver exits immediately, the officer may choose to remain behind the cover/concealment of the patrol vehicle. • May allow the officer to direct the driver out of the vehicle to the curb while the officer maintains a position of safety. • Violator's action can be constantly monitored, especially hand movements. • During the contact, the occupants remain in the officer's field of vision (directly or peripherally). 	<ul style="list-style-type: none"> • Exposes the violator to the hazards of passing traffic • Officer loses containment of occupants • Increases the potential for assault on the officer

Continued on next page

Approaching the Target Vehicle, Continued

Non-
approach
(continued)

	Advantages	Disadvantages
Non-approach	<ul style="list-style-type: none"> • Violator is positioned between officer and target vehicle, helping prevent interference by violator/occupants during the pullover. • If vehicle has tinted windows, officer avoids visibility issues. <p>NOTE: It is recommended that the officer not allow any occupants, except the driver, to exit the target vehicle.</p>	<ul style="list-style-type: none"> • Hinders the officer's ability to observe the interior of the vehicle upon approach <p>NOTE: Officer conducting the pullover is responsible for the violator's safety.</p>

Continued on next page

Approaching the Target Vehicle, Continued

Visual checks of target vehicle

The patrol officer's observation of the target vehicle begins at the inception of the vehicle pullover and continues until the pullover is completed.

As the patrol officer approaches a target vehicle on foot, that officer has the advantage of time and location to visually check the interior of the target vehicle more carefully. Such plain view checks may provide the officer with probable cause for further investigation and more complete lawful searches of the vehicle's interior.

Indicators of possible criminal activity include, but are not limited to:

- an empty holster,
- ammunition,
- firearm magazines,
- actual firearms or other weapons, or
- instrumentalities or evidence directly associated with a crime (e.g., ski mask, drug paraphernalia, etc.).

NOTE: For additional information regarding plain view inspections and vehicle searches, refer to LD 16: *Search and Seizure*.

Exterior checks

Patrol officers who are approaching a vehicle on foot may check the exterior of the trunk visually and by hand.

An open trunk/unsecured trunk or a trunk with the lock punched out may merit reassessing the situation and taking additional high-risk precautions (e.g., officer being set up for an ambush, etc.).

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Approaching the Target Vehicle, Continued

Other observations

By looking at the target vehicle's mirrors, approaching patrol officers can observe the facial expressions and other nonverbal cues of the target vehicle's driver and any occupants. If individuals display signs of fear, panic, or over interest, the officer may wish to take additional safety precautions during the approach.

Approaching officers should also be aware of the position of the driver's and occupant's hands. If hands are not visible, officers may wish to halt their approach and direct the driver and occupants to place their hands in plain view.

NOTE: The need for effective tactical safety should be coupled with professional and courteous conduct.

Examples

Example: A patrol officer pulled over a car for a speeding violation. The stop occurred during daylight hours on a residential street. The driver is a female in her late 20s and she is the only occupant. The officer chose to make a driver side approach. This was the quickest route to the driver and there were no objective reasons to use another approach.

Example: An officer stopped a vehicle for speeding on an interstate highway during the afternoon rush hour. The driver was the only occupant. The officer chose to approach the vehicle on the passenger side in order to avoid being exposed to the passing traffic.

Example: A patrol officer stopped a pickup truck for speeding. After the truck came to a complete stop with the patrol car behind it, a large dog in the back of the truck began to bark and try to jump out. The officer directed the driver to the curb, so that the officer did not risk being bitten on approach.

Making Contact with Vehicle Occupants

[22.02.EO8, 22.02.EO9, 22.02.EO10, 22.02.EO11]

Introduction

For most people, their only contact with law enforcement will occur during a vehicle pullover. For this reason, patrol officers should strive to be courteous and professional during a vehicle pullover, while at the same time never letting their guard down.

Patrol officer positioning

When officers make contact with the driver of the target vehicle during a vehicle pullover, they should position themselves for the greatest safety and tactical advantage. The following table identifies basic guidelines regarding officer positioning.

Action	General Guidelines
Initial contact	<ul style="list-style-type: none">• Officer should be behind the trailing edge of the driver side/passenger side front door (depending on approach method used).• Assuming such a position:<ul style="list-style-type: none">- forces the person to look back toward the officer in a position of disadvantage,- makes it more difficult to point a weapon at the officer, and- prevents the officer from being knocked down if the door is suddenly opened.
While conducting the business of the contact	<ul style="list-style-type: none">• After the initial contact and a visual check of the vehicle interior, it may be necessary or desirable for the officer to change position.• Depending on agency policies and guidelines, officer may choose to:<ul style="list-style-type: none">- pivot to face oncoming traffic while maintaining a position in front of the leading edge of the door, or- remain behind the trailing edge of the door with their back to approaching traffic.

Continued on next page

Making Contact with Vehicle Occupants, Continued

Initial contact

The attitude of the patrol officer can affect the reaction of the driver and the outcome of the vehicle pullover. Officers should make the approach in a businesslike manner while also employing effective verbal communication techniques. Flexibility and courtesy are important in making contact with the vehicle occupants.

Communication skills

Once peace officers are familiar with the basic communication skills, these skills can be combined into formal processes designed to reduce the likelihood of physical confrontation. Communication skills can be used:

- for obtaining voluntary compliance, and
 - when conducting vehicle stops.
-

Voluntary compliance

A major goal of law enforcement is to generate voluntary compliance without resorting to physical force.

The following table identifies communication skills for obtaining voluntary compliance:

Action	Description	Example
Ask (Ethical Appeal)	<ul style="list-style-type: none">• Give the subject an opportunity to voluntarily comply.	A traffic violator has been stopped and issued a citation. He refuses to sign the citation. The officer again requests "Will you please sign the citation."

Continued on next page

Making Contact with Vehicle Occupants, Continued

Voluntary compliance
(continued)

Action	Description	Example
Set Context (Reasonable Appeal)	<ul style="list-style-type: none"> Identify and explain the law, policy, or rationale that applies to the situation. Answer the subject's question "Why?" (Question may be implied rather than voiced.) Give the subject another opportunity to voluntarily comply. 	(Continuing the previous scenario) The violator responds "I ain't signing your (expletive) citation". The officer then says, "Signing this citation is required by law but does not admit guilt. It is only your promise to appear in court to present your case. If you refuse to sign, you may be subject to arrest. I suggest you sign the citation."
Present Options (Personal Appeal)	<ul style="list-style-type: none"> Explain possible options or courses of action which can be taken and their consequences for the subject. Give the subject another opportunity to voluntarily comply. 	(Continuing the previous scenario) The violator still refuses. The officer explains, "you are aware that if you are arrested you will be handcuffed, booked at jail, need to post bail, perhaps humiliation and embarrassment" Or, you can just sign the citation and we both will be on our way. (The list of options can be expanded.)
Act (Take appropriate action)	<ul style="list-style-type: none"> Take appropriate action. 	(Continuing the previous scenario) If the violator still does not comply, the officer should use necessary and reasonable force to place the person under arrest.

Continued on next page

Making Contact with Vehicle Occupants, Continued

Vehicle stops

Peace officers should become familiar with the communication process for conducting a vehicle stop:

- remain consistently courteous,
- sound professional,
- center their command presence,
- deflect resistance, and
- enhance personal safety by allowing time to quickly scan the interior of the vehicle.

Using this process for vehicle stops provides a self-disciplined pattern. That is, it ensures that officers always handle contacts in a consistent manner, regardless of distractions.

Action	Officers should ...
Greeting	<ul style="list-style-type: none">• greet the person respectfully.• allow the situation to begin positively
Officer and department identification	<ul style="list-style-type: none">• clearly identify themselves and their departments.• establish a command presence.• personalize the contact.
Explain the reason for the stop	<ul style="list-style-type: none">• provide motivation for the person to listen to the officer.
Request driver's license, registration, and proof of insurance	<ul style="list-style-type: none">• ask for the person's license.• allow adequate time for the person to comply. <p>NOTE: If the person fails to comply, officer should take further steps to gain voluntary compliance identified earlier in this chapter.</p>

Continued on next page

Making Contact with Vehicle Occupants, Continued

Vehicle stops (continued)

Action	Officers should ...
Decide appropriate action	<ul style="list-style-type: none"> • select further action based on the circumstances. <ul style="list-style-type: none"> - Issue a warning - Issue a citation - Make an arrest
Close the contact	<ul style="list-style-type: none"> • Use a closing remark that is compatible with the action taken.

Driver/occupants location

It is generally desirable for patrol officers to have the driver and occupants of the target vehicle remain in the vehicle throughout the duration of the pullover. But in certain situations, officers may need to direct the driver/occupants to get out of the vehicle.

Examples of such situations include, but are not limited to:

- when the safety of the driver/occupants or the officer are at risk from passing traffic,
- verifying identification,
- conducting a sobriety check of a driver who may be DUI,
- continuing an investigation,
- searching the vehicle, or
- when an arrest is imminent.

NOTE: Under such conditions, officers may consider requesting additional backup units.

Continued on next page

Making Contact with Vehicle Occupants, Continued

Directing driver/occupants out of target vehicle

The following table presents general guidelines for directing the driver and/or occupants out of the target vehicle.

Action	General Guidelines
Direct the driver/occupants to exit one at a time.	<ul style="list-style-type: none"> • Constantly monitor each person's movements. • Advise person(s) to keep their hands in view. • Consider opening and maintaining control of the vehicle door as the person exits the vehicle. This allows the officer to view the person's hands and use the door as a defensive tool to prevent an assault on the officer.
Conduct a lawful search.	<ul style="list-style-type: none"> • As soon as practical, conduct a lawful search of each individual for weapons.
Maintain control of driver/occupants.	<ul style="list-style-type: none"> • Direct person(s) to a position which allows the officer to keep the target vehicle, and anyone remaining in the vehicle, in view at all times. • Consider lawful option to control and/or prevent interference by driver/occupants while the officer is conducting the business of the pullover (e.g., placing persons in the back seat of a partitioned patrol unit, use of handcuffs, etc.).

Continued on next page

Making Contact with Vehicle Occupants, Continued

Voluntary exits

Patrol officers may encounter situations when the driver and/or occupants of the target vehicle spontaneously exit the vehicle (without being requested to do so by the patrol officer).

Although this may be an innocent action, it may also be a deliberate attempt to prevent the officer from approaching and observing contraband or weapons contained in the vehicle.

Driver's license checks

A driver's license is one of the most common forms of identification. It is important that officers take appropriate actions to check both the *validity* and *authenticity* of the license and to establish the identity of the individual.

Conducting a proper check of each driver's license can also:

- confirm that the driver is authorized to operate a specific type of motor vehicle,
- enforce the provisions of the Vehicle Code which require possession of a valid driver license,
- verify that the driver is complying with any restriction on the driver license,
- confirm the driver's identity so that the driver can be cited and released, and
- verify that the address is correct.

NOTE: Running a driver's license check may also provide the officer with information such as any history of other violations, the existence of wants or warrants related to the individual, etc.

NOTE: For additional information on accessing law enforcement data bases and information systems, and procedures for conducting a driver's license check, refer to LD 36: *Information Systems*.

Continued on next page

Making Contact with Vehicle Occupants, Continued

License examinations

Officers should carefully examine both the front and rear of each license. Driver's license formats will vary depending on the state of issue. General guidelines for determining the validity and authenticity of driver's licenses are noted in the following table.

Officers should look for...	General Guidelines
driving restrictions.	<ul style="list-style-type: none"> • On a California driver's license: <ul style="list-style-type: none"> - restrictions pertaining to corrective lenses are usually found on the front of the license - while other restrictions are attached on the rear. (<i>Vehicle Code Section 14603</i>) • License classifications, including required medical certificates, should always be verified.
signs of unlawful alterations or additions to the license.	<ul style="list-style-type: none"> • Look for indications that the: <ul style="list-style-type: none"> - photograph has been changed, or - driver's age or any other information has been modified. • California does not allow driver's licenses to be laminated by the driver. (<i>Vehicle Code Sections 12815 and 14610 (h)</i>) • Officers should be aware that lamination can: <ul style="list-style-type: none"> - hide a change of photograph, - disguise typed modifications/additions, or • obliterate the safety seal already on the license.

NOTE: Because of numerous recent modifications to California driver's licenses, patrol officers may encounter several different valid formats. When in doubt of the authenticity, officers may request an additional form of identification from the driver. (The DMV has a booklet describing the format of licenses for year of issue.)

Continued on next page

Making Contact with Vehicle Occupants, Continued

Temporary licenses

A temporary driver license is a valid form of identification and no other identification is required. However, a temporary license is easily forged, so an officer might consider asking for other identification to supplement the information contained in it.

When presented with a temporary license, officers need to keep in mind that:

- temporary licenses are easily obtained.
- people with suspended licenses or warrants keep applying for a temporary license to continue driving.
- a person can apply for a temporary license and use it immediately.
- if a temporary license is provided as a form of identification, its validity and authenticity should be thoroughly checked.

Continued on next page

Making Contact with Vehicle Occupants, Continued

Other forms of identification

The following table describes other types of identification that may be used as supportive identification.

Type of Identification	Considerations
Immigration identification	<ul style="list-style-type: none">• Aliens may have in their possession an alien registration card which contains the bearer's photograph and other information.• Information on the card may be out of date and should be verified with additional forms of identification.
State of California identification card	<ul style="list-style-type: none">• California may issue an identification card to use as official identification.• A person may have both a driver's license and a state identification card which will contain the same ID number.• The card is issued through the DMV. It has a similar appearance to the California driver license.
Social Security card	<ul style="list-style-type: none">• Generally an unreliable form of ID.• It can be obtained by just applying for it.<ul style="list-style-type: none">- Some criminals have applied for dozens of them.- Fraudulent check passers use different ones to back up phony ID that they carry.
Other Identification	<ul style="list-style-type: none">• Armed Forces identification cards• Passports

NOTE: The above listed forms of identification are not all-inclusive and officers may encounter other types of documents which may provide satisfactory evidence of the person's identity.

Continued on next page

Making Contact with Vehicle Occupants, Continued

Returning to patrol vehicle

Patrol officers should move to a safe and tactically appropriate location when conducting the business of the vehicle pullover (e.g., running a license check, writing a citation, etc.).

Depending on the specific situation, officers should select a location which:

- provides cover and/or concealment,
- permits them to maintain visual contact with the target vehicle, and
- permits them to observe the occupants of the target vehicle.

Officers may elect to return to their patrol units in order to gain access to mobile data terminals when minimal risk is perceived, or at times of inclement weather.

NOTE: Individual agencies may discourage sitting inside the patrol vehicle to write a citation or operate an MDT. This may be based on the perception that it puts the officer at a tactical disadvantage with vehicle occupants.

Recontacting target vehicle driver

Patrol officers should be cautious and not become complacent in their second approach to the target vehicle. The same principles discussed in the initial approach and contact apply when recontacting the driver.

Termination of contact

Once patrol officers have concluded the business of the pullover, they should:

- return the driver's license and registration, and
 - assist the driver to reenter the flow of traffic. (e.g., dimming the lights on the patrol vehicle so the driver has a clearer view of passing traffic)
-

Chapter Synopsis

Learning need Peace officers must understand the techniques for conducting tactically sound vehicle pullovers.

Safety and tactical considerations
[22.02.EO1, 22.02.EO2, 22.02.EO3] Once an officer has a legal justification for initiating a vehicle pullover, there are a number of officer safety guidelines that should be considered.

Placement of patrol vehicle
[22.02.EO4] Placing the patrol vehicle in an offset position means the officer will stop behind and slightly to the right or left of the target vehicle, with the center of the patrol vehicle in line with the right or left bumper of the target vehicle.

Exiting patrol unit
[22.02.EO5] Patrol officers should exit their patrol units as safely and quickly as possible.

Approaching target vehicle
[22.02.EO6] Once the officer has exited the patrol unit and determined that a safe approach can be made, the patrol officer should stay close to the patrol vehicle to minimize any hazard from passing traffic, continuously observe the occupants of the target vehicle, maintain an awareness of the surrounding and other hazards, keep gun hand free during the approach, and use a flashlight sparingly to avoid the potential of vehicle occupants being able to track the officer's movement.

Methods of approach
[22.02.EO7] There are different methods of approaching a target vehicle that all have advantages and disadvantage.

Continued on next page

Chapter Synopsis, Continued

**Patrol
officer
positioning
[22.02.EO8]**

When officers make contact with the driver of the target vehicle during a vehicle pullover, they should position themselves for the greatest safety and tactical advantage.

**Communication
skills
[22.02.EO11]**

Once peace officers are familiar with the basic communication skills, these skills can be combined into formal processes designed to reduce the likelihood of physical confrontation. Communication skills can be used for obtaining voluntary compliance, and when conducting vehicle stops.

**Directing
occupants
out of vehicle
[22.02.EO9]**

It is generally desirable for patrol officers to have the driver and occupants of the target vehicle remain in the vehicle throughout the duration of the pullover. But in certain situations, officers may need to direct the driver/occupants to get out of the vehicle.

**License
examinations
[22.02.EO10]**

Officers should carefully examine both the front and rear of each license. Driver's license formats will vary depending on the state of issue. Officers should look for driving restrictions signs of unlawful alterations, deletions or additions to the license.

Workbook Learning Activities, Continued

Activity questions
(continued)

3. Officers stopped a car on a highway shoulder to conduct an investigative pullover. The edge of the shoulder is bounded by a guardrail with a shallow ditch beyond it. On the other side of the ditch is a flat field. Traffic is moderate. Draw a diagram of the pullover showing appropriate placement of the unit and the target vehicle. Indicate on your diagram:
- areas that would be illuminated by headlights, spotlights, etc.
 - areas in which an approaching officer would be silhouetted in the light.
 - locations in which an officer could take cover. (Remember to consider the cover provided by each vehicle.)
 - locations in which the officer is at the greatest risk.

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Workbook Corrections

Suggested corrections to this workbook can be made by going to the POST website at: www.post.ca.gov

Chapter 3

High-Risk Vehicle Pullovers

Overview

Learning need Peace officers must recognize situations involving high level of risk in order to apply appropriate tactical actions during a vehicle pullover.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to...	E.O. Code
<ul style="list-style-type: none">• demonstrate officer safety precautions that should be taken during any high-risk vehicle pullover.	22.03.EO1
<ul style="list-style-type: none">• discuss appropriate actions for cover officers who are called to assist the primary officer during a high-risk vehicle pullover.	22.03.EO2
<ul style="list-style-type: none">• demonstrate tactics for conducting a safe and effective high-risk vehicle pullover.	22.03.EO3
<ul style="list-style-type: none">• discuss officer safety considerations when searching the target vehicle, including:<ul style="list-style-type: none">- use of available cover officer(s)- types of objects sought and likely locations- potential hazards (e.g., needles, edged weapons, etc.)- a systematic search process<ul style="list-style-type: none">- interior- exterior	22.03.EO4

Continued on next page

Overview, Continued

In this chapter This chapter focuses on basic tactical guidelines for conducting high-risk vehicle pullovers. Refer to the chart below for specific topics.

Topic	See Page
Officer Safety Considerations	3-3
Tactical Considerations for High-Risk Vehicle Pullovers	3-7
Vehicle Searches	3-14
Chapter Synopsis	3-19
Workbook Learning Activities	3-21

Officer Safety Considerations

[22.03.EO1, 22.03.EO2]

Introduction

High-risk pullovers are conducted in any situation where patrol officers perceive a greater level of risk. Such perceptions may be based on the officer's observations, information received through communications with dispatch, other officers, or other reliable means.

High-risk pullovers

High-risk pullovers are generally made when patrol officers have:

- reason to believe that one or more of the occupants of the target vehicle may:
 - be armed,
 - represent a serious threat to the officer, or
 - has committed a felony.

NOTE: Individual agency policies may dictate the specific criteria as to what constitutes a high-risk vehicle pullover.

Officer reactions

Because of the elevated level of potential danger along with the unpredictable responses of vehicle occupants associated with high-risk vehicle pullovers, patrol officers can encounter a multitude of different personal emotions or reactions. It is normal for patrol officers to experience excitement, fear, anger, confusion, impatience, and even complacency.

In order to prepare for such responses and prevent them from compromising officer safety, officers can:

- discuss hypothetical situations with their partners ahead of time,
 - have a plan of action prior to initiating the vehicle pullover,
 - obtain appropriate ongoing training in advance to maintain skill levels,
-

Continued on next page

Officer Safety Considerations, Continued

Officer reactions
(continued)

- work as a team,
 - maintain communication with dispatch and other involved officers,
 - move slowly and methodically,
 - rely on known tactics and procedures while also remaining flexible enough to adapt or improvise if necessary, and
 - exercise emotional restraint and self-control.
-

Safety precautions

A number of safety precautions are critical when conducting a high-risk vehicle pullover. The following table identifies some of these precautions.

Action	General Guidelines
Utilize appropriate resources/equipment.	<ul style="list-style-type: none"> • Request sufficient personnel and equipment to perform any necessary actions safely and effectively and achieve a psychological advantage over the vehicle's occupants. • Use marked patrol vehicles to effect the vehicle pullover, if possible, to prevent recognition problems and to ensure necessary equipment is available within the vehicle.
Rely on basic training and known tactics.	<ul style="list-style-type: none"> • Use available cover and concealment. • Maintain visual contact with vehicle occupant(s) at all times. • Always maintain a position of advantage.
Maintain personal control and professional attitude.	<ul style="list-style-type: none"> • Do not rush. • Guard against becoming impatient. (<i>Time is usually on the officer's side.</i>) • <i>Wait</i> for requested backup/assistance to arrive before taking action.

Continued on next page

Officer Safety Considerations, Continued

Contact officer

The roles and responsibilities of each officer involved in a high-risk vehicle pullover must be clear. The **contact officer**:

- conducts the business of the pullover
 - directs the driver and occupant(s) of the target vehicle
 - takes necessary actions related to the investigation (e.g., obtaining identification, searching suspects, etc.)
-

Cover officers

It is the general responsibility of any **cover officers** called to assist the primary officer at the scene of a high-risk vehicle pullover to:

- protect the primary officer who is conducting the business of the pullover,
- place their own patrol vehicles in a proper position to avoid silhouetting other officers with the vehicle's headlights or other lighting equipment,
- take and maintain proper positions of cover and concealment,
- maintain their firearms at the ready, and
- maintain visual contact with the vehicle occupant(s) at all times,
- avoid a crossfire situation.

NOTE: For additional information regarding the roles and responsibilities of contact or primary officers and cover officers, refer to LD 21: *Patrol Techniques* and LD 23: *Crimes in Progress*.

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Officer Safety Considerations, Continued

Communication between officers In order to ensure officer safety and help ensure an appropriate outcome, the primary officers and cover officers must effectively communicate with one another. Appropriate communication involves:

- advising the primary officer of any critical occurrences or safety issues (e.g., movement within the target vehicle, someone approaching outside the primary officer's field of vision, possible crossfire situations, etc.),
 - avoid inappropriate interruptions, and
 - avoid giving directions which conflict with those given by the primary officer. (Only one person, usually the primary officer, gives the commands, unless a specific situation calls for another officer to issue a command.)
-

Tactical Considerations for High-Risk Vehicle Pullovers

[22.03.EO3]

Introduction No arrest is so important that the patrol officers involved should expose themselves to needless danger. In order to meet the safety challenges inherent to the situation, patrol officers must employ tactically sound procedures when effecting any high-risk vehicle pullover.

Communication It is vital that the primary officer initiating any high-risk vehicle pullover maintain communication with dispatch and any assisting or backup officers involved in the situation.

Such communication should include the:

- primary officer's location and direction of travel,
- safest approach to the scene
- possible traffic diversions or road closures,
- license number and a description of the target vehicle,
- number and description of the target vehicle's occupant(s),
- existence of any known or suspected weapons within the vehicle, and
- any additional information regarding the offense(s) or the suspect(s),
- request additional resources (helicopter, K-9, less than lethal, etc.)

NOTE: It may be advisable for the officer initiating the pullover to write down the license number and a short vehicle description of the target vehicle. Such information may be helpful if an officer assault occurs during the pullover.

Continued on next page

Tactical Considerations for High-Risk Vehicle Pullovers,

Continued

Tactical procedures

The following table identifies a number of general guidelines for conducting a safe and effective high-risk vehicle pullover.

Action	General Guidelines
Develop a plan of action.	<ul style="list-style-type: none"> • Develop a plan of action with: <ul style="list-style-type: none"> - that officer’s partner, - involved assisting cover units, and - dispatch. • The plan should clearly identify the tactics that will be employed when initiating the pullover as well as throughout the pullover.
Initiate the pullover.	<ul style="list-style-type: none"> • Prepare for the pullover by: <ul style="list-style-type: none"> - rolling down patrol vehicle windows, and - unlocking the vehicle’s doors. • Properly position the patrol vehicle an appropriate distance from the target vehicle. (Two to three car lengths or 20 to 30 feet) • Employ appropriate lighting equipment such as: <ul style="list-style-type: none"> - emergency lights, - headlights, - spotlights, - takedown lights, • Deploy firearms (i.e., handgun, shotgun) at the ready. • Utilize available cover and concealment.

NOTE: “At the ready” refers to how a patrol officer’s weapon should be deployed according to academy training and the specific type of weapon involved (e.g., firearm drawn, pointed at the suspect(s), safety off, or other considerations).

Continued on next page

Tactical Considerations for High-Risk Vehicle Pullovers, Continued

**Tactical
procedures
(continued)**

Action	General Guidelines
Direct action of vehicle occupant(s).	<ul style="list-style-type: none"> • Utilize available cover and concealment. • Use clear, audible, and direct commands. • Identify your law enforcement agency. (“San Jose Police Department”) • Direct the occupant(s) to: <ul style="list-style-type: none"> - keep hands in sight at all times, and - not to move unless instructed to do so. • Give the vehicle’s driver specific instructions to: <ul style="list-style-type: none"> - turn off the vehicle’s engine, - remove the keys from the ignition, - place the keys in a designated location, (e.g., atop the car, dropped out the window, etc.) and • return hands to a position where they can be clearly seen.
Order occupant(s) from the target vehicle.	<ul style="list-style-type: none"> • If multiple occupants, have each person exit the vehicle one at a time. • Direct the suspect(s) to: <ul style="list-style-type: none"> - move slowly, and - keep hands above their heads. • Visually check the suspect(s) for weapons as they exit the vehicle.

Continued on next page

Tactical Considerations for High-Risk Vehicle Pullovers, Continued

**Tactical procedures
(continued)**

Action	General Guidelines
Establish physical control of occupant(s).	<ul style="list-style-type: none"> • Primary and cover officers must be aware of possible cross fire situations and position themselves accordingly. • Maintain visual contact with the suspect(s) at all times. • Direct occupant(s) to move, one at a time. • Have suspect(s) assume a position of disadvantage. • Handcuff suspect(s). • Conduct a thorough search of each suspect before placing the person into patrol vehicle. • Obtain intelligence information from suspects.
Clear the target vehicle of any additional occupants.	<ul style="list-style-type: none"> • Until otherwise proven, assume additional occupants are hiding in the target vehicle. • Call out a bluff for hiding individual(s) to exit the vehicle (e.g., “You, in the car, get out now!”). • Approach vehicle in a low profile position. • If hidden suspect is located in the vehicle, assume a position of cover. • Feel for vibrations or movements within the vehicle by placing a hand on the trunk lid. • If necessary, use flashlight to cautiously illuminate the vehicle interior. • After checking the vehicle’s interior, consider other areas of possible concealment. • If appropriate, consider use of a canine to clear the vehicle.

Continued on next page

Tactical Considerations for High-Risk Vehicle Pullovers,

Continued

Fleeing suspect(s)

It may be inadvisable for officers to engage in a foot pursuit of any fleeing suspect(s) during a high-risk pullover. Taking such action may:

- draw officer(s) into potentially unsafe (uncleared) areas, and
- compromise the safety of officer(s).

Rather than initiating the foot pursuit, officers should consider establishing a perimeter of the area and initiating a systematic search of the area.

NOTE: For additional information regarding foot pursuits of fleeing suspects, refer to LD 21: *Patrol Techniques*.

Specific agency policies

Specific policies and guidelines can vary. It is each patrol officer's responsibility to be aware of and comply with their own agency's policies and guidelines that pertain to initiating and the use of appropriate tactics regarding high-risk vehicle pullovers.

Continued on next page

Tactical Considerations for High-Risk Vehicle Pullovers,

Continued

Examples:

Example: Intending to stop a vehicle for a suspected DUI, a single officer noticed that the driver threw a handgun into the street as soon as he saw the patrol car's red lights activated. The officer immediately initiated high-risk procedures. He used the PA system to order the suspect to place his hands on his head and to remain in the car. The officer then radioed his situation and location and requested assistance. When the backup unit arrived, the suspect was taken into custody and the weapon was recovered. It was determined that the handgun had been used in a robbery in which the victim was shot. The car had been the victim's and the suspect used it to flee the scene of the robbery.

Example: An officer patrolling in a rural area late at night observed a compact pickup truck run a stop sign at a high speed. The officer initiated a radio broadcast, giving location, license plate number, vehicle and occupant's description. When the officer made the pullover one of the passengers exited the truck and began to walk away. The officer called out on the PA for the passenger to return to the vehicle, which he did. The officer approached the truck, instructing the driver to turn off the ignition. Communications informed the officer, in a confidential transmission, that the truck was stolen. The officer drew his weapon and ordered both occupants not to move. When the officer realized that backup was a minimum of 25 minutes away, he directed both occupants to put their hands on the dashboard and then directed each to crawl out of the truck and to lie prone on the roadway. The ability to be flexible and to adapt tactics to a changing situation allowed the officer to safely detain the suspects until assistance arrived.

Continued on next page

Tactical Considerations for High-Risk Vehicle Pullovers, Continued

Examples (continued)

Non-example: Officers stopped a confirmed stolen vehicle occupied by four suspects. The contact officer had directed the driver out of the car as the assisting officers provided cover. An additional officer arrived and positioned his vehicle to block the target vehicle. The additional officer then ran to the stolen car and dragged a passenger out of the car. The officer acted on his own, without communicating with the others, interfering with the contact officer's commands. This independent action could have jeopardized the operation, and endangered all the officers involved.

Vehicle Searches

[22.03.EO4]

Introduction

The primary purpose of conducting any type of vehicle search is to locate and seize any:

- weapons,
 - contraband, or
 - evidence associated with criminal activity that may be located within the vehicle.
-

Lawful search

Any physical search of a vehicle must be lawful. The type and extent of a physical search of a vehicle during a vehicle pullover is determined by the circumstances of the pullover along with a number of additional factors.

If the driver and/or occupants exit the vehicle voluntarily, the officer may legally enter the target vehicle to retrieve registration papers. While inside the vehicle, the officer may visually scan the area and seize any weapons, contraband, etc., that is in the officer's plain view.

NOTE: For additional information regarding the different types of searches and probable cause requirements for each, refer to LD 16: *Search and Seizure*.

Officer safety

Patrol officers who are conducting a vehicle search should be aware of specific officer safety hazards that may be associated with the search. Possible safety hazards may include, but not be limited to:

- dangerous weapons, (e.g., edged weapons, loaded firearms, etc.)
 - biological hazards, (e.g., hypodermic needles, etc)
 - chemicals, (e.g., dangerous drugs such as PCP, drug lab materials, etc.)
 - booby traps, (e.g., explosives)
 - animals, or
 - bystanders.
-

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Vehicle Searches, Continued

Fundamental principles

There are a number of fundamental principles that apply to vehicle searches that officers may be called upon to conduct.

Action	Additional Information
Use assistance/ backup.	<ul style="list-style-type: none"> • Officers must <i>maintain control of the situation</i> at all times. • The use of backup assistance officers when available is strongly recommended. • Additional officers may be required to: <ul style="list-style-type: none"> - properly remove occupant(s) from the target vehicle, - maintain control of the occupant(s) while the contact officer is conducting the search, and - prevent interference by other persons. (e.g., witnesses, victims, onlookers, other officers, etc.)
Never “relax.”	<ul style="list-style-type: none"> • Officers must never let down their guard while conducting the search. • If the suspect perceives that the officer is distracted or has relaxed, that person may attempt to take some action the suspect might otherwise attempt. (e.g., flee on foot, reach for the officer’s weapon, etc.)
Maintain integrity of evidence.	<ul style="list-style-type: none"> • Any evidence that is located within the target vehicle during the search must be properly collected, preserved, secured, and documented.

NOTE: For additional information regarding the collection and preservation of evidence, refer to LD 30: *Preliminary Investigation*.

Continued on next page

Vehicle Searches, Continued

Systematic searches

Vehicle searches should be conducted in a systematic manner. The following table identifies a number of general guidelines for conducting a systematic search of a vehicle.

Action	General Guidelines
Plan the search.	<ul style="list-style-type: none">• Officers should consider the:<ul style="list-style-type: none">- nature of the area to be searched,- type and size of objects being sought (e.g., drugs that can be hidden in small areas, weapons, ammunition, etc.),- specific circumstances of the pullover,- time limitations, and- legal restrictions based on the type of search being conducted.
Search systematically.	<ul style="list-style-type: none">• Cover the area in a systematic manner in order to prevent missing any possible locations where items could be located.• Possible systematic patterns may include but not be limited to:<ul style="list-style-type: none">- starting at the top of the target vehicle and working down,- searching from front of the target vehicle to rear, or- searching the interior first, then the exterior.
Search each area thoroughly.	<ul style="list-style-type: none">• Search all areas that could reasonably contain the item that is the target of the search (e.g., weapons, contraband, instruments of criminal activity, etc.).

Continued on next page

Vehicle Searches, Continued

Examples

- Example: On a high-risk vehicle pullover one officer was tasked with searching the interior of the vehicle for evidence of a robbery. After a very thorough, painstaking search, the officer found the weapon used in the robbery and the stolen property. The handgun was found under the driver's seat, wedged between the seat cushion and the supporting springs. The stolen money was found jammed into the ashtray base in the back seat. It took an extremely thorough search to locate these well concealed items.
- Example: Two officers stopped a vehicle for a traffic violation. During the pullover, the officers determined that the suspect was driving with a suspended license and registration. After the driver was arrested and secured, he consented to a search of his vehicle. The officers located ten rocks of rock cocaine inside the vent of an air conditioning air duct.
- Non-example: An officer searched the interior of a narcotics suspect's vehicle. The officer was searching for a bundle of cocaine that had just been purchased from a known dealer by the suspect. The officer, in a hurry and anxious to find the drugs, shoved his hand into the recess between the rear bench seat and the back rests. The officer's hand was punctured by a syringe. It is important for officers conducting a search of a vehicle to proceed in a cautious and deliberate manner.
-

Continued on next page

Vehicle Searches, Continued

Examples
(continued)

Non-example: A patrol officer stopped a motor home for a traffic violation. The driver was arrested on an outstanding warrant. The driver was searched, pursuant to the arrest, and found to be in possession of methamphetamine and needles. The officers searched the motor home but did not locate any drugs. The motor home was towed to a yard for storage. The driver who towed the motor home to the storage yard called the police to report that a large amount of drugs was found in a hollow rear bumper. A more thorough search by the officers would have located the drugs.

Chapter Synopsis

Learning Need Peace officers must recognize situations involving high level of risks in order to apply appropriate tactical actions during a vehicle pullover.

Safety precautions [22.03.EO1] A number of safety precautions are critical when conducting a high-risk vehicle pullover including:

- Utilize appropriate resources/equipment.
 - Rely on training and known tactics.
 - Maintain personal control and professional attitude.
-

Cover officers' responsibilities [22.03.EO2] It is the responsibility of any cover officers called to assist the primary officer at the scene of a high-risk vehicle pullover to protect the primary officer who is conducting the business of the pullover. Also, to place their own patrol vehicles in a proper position to avoid silhouetting other officers with the vehicle's headlights or other lighting equipment, take and maintain proper positions of cover and concealment, maintain their firearms at the ready, maintain visual contact with the vehicle occupant(s) at all times, and avoid a crossfire situation.

High-risk vehicle pullover [22.03.EO3] Guidelines for conducting a safe and effective high-risk pullover include developing a plan of action prior to initiating the stop. Initiate the pullover maintaining appropriate distance and using appropriate equipment. Direct the occupant(s) of the vehicle regarding appropriate actions. Order occupant(s) from the target vehicle. Establish physical control of the occupant(s). Clear the target vehicle of any additional occupants.

Continued on next page

Chapter Synopsis, Continued

**Conducting
a vehicle
search
[22.03.EO4]**

Safety hazards for officers who are conducting a vehicle search include dangerous weapons, biological hazards, chemicals, booby traps, (e.g. explosives) animals, or bystanders.

Fundamental principles that apply to vehicle searches include the use of assistance/backup, never “relaxing”, maintaining integrity of evidence, planning the search while searching systematically, and searching each area thoroughly.

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

3. How does the existence of heavily tinted windows on the target vehicle change how officers should handle a high-risk pullover?

Chapter 4

Other Types of Vehicle Pullovers

Overview

Learning need Peace officers must make appropriate safety and tactical adjustments when conducting pullovers involving vehicles other than passenger cars and pickup trucks.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to...	E.O. Code
<ul style="list-style-type: none">• Explain appropriate safety and tactical considerations when conducting vehicle pullovers involving:<ul style="list-style-type: none">- vans, campers, and motor homes,- motorcycles,- buses and semi-trucks.	22.04.EO1 22.04.EO2 22.04.EO3

In this chapter This chapter focuses on basic tactical guidelines for conducting vehicle pullovers involving different types of vehicles. Refer to the chart below for specific topics.

Topic	See Page
Vans, Campers and Motor Homes	4-2
Motorcycles	4-8
Buses and Semi-trucks	4-10
Chapter Synopsis	4-13
Workbook Learning Activities	4-14

Vans, Campers, and Motor Homes

[22.04.EO1]

Introduction

Because of their shape and concealment possibilities, vans, campers, and motor homes provide a unique set of circumstances that officers should be aware of in order to protect their own safety and conduct an effective vehicle pullover.

Officer safety considerations

There are a number of officer safety considerations when effecting a vehicle stop involving vans and campers because of their size and visibility limitations. Because of these, extra caution is required regardless of the reason for the pullover.

	Considerations
Conducting the Pullover	<ul style="list-style-type: none">• Position of the patrol vehicle related to the target vehicle, pullover locations, use of lights, etc. may need to be modified.• Traditional patrol vehicle positioning (e.g., offsetting) may obscure the officer's view of the passenger's side door of the target vehicle.
Approaching the Target Vehicle	<ul style="list-style-type: none">• Officer is at greater vulnerability when approaching the vehicle.• Driver and occupant(s) may be concealed from the officer.• Vehicle may have curtains or tinted windows.• Vehicle may have side door(s) and/or rear doors that occupants could attempt to escape from.

Continued on next page

Vans, Campers, and Motor Homes, Continued

Traffic enforcement pullovers

When conducting a traffic enforcement pullover with an unknown level of risk, officers should:

- stop the patrol vehicle back far enough, within reason, to afford the officer(s) a better view of all potential exits.
 - base the manner of approach to the vehicle and whether or not to remove the driver and occupant(s) from the vehicle, on the specific circumstances of the pullover.
-

Investigative pullovers

Investigative pullovers involving vans and campers should be conducted with *at least two officers* present when possible. The following table identifies general guidelines for each officer during an investigative pullover.

Action	Primary Contact Officer	Cover Officer(s)
Initial contact	<ul style="list-style-type: none">• Directs the driver to:<ul style="list-style-type: none">- turn the ignition key off,- exit the van, and- bring the keys to the rear of the van	<ul style="list-style-type: none">• Protects the primary contact officer• If cover not available, officer may elect to remain behind the passenger door of the patrol vehicle

Continued on next page

Vans, Campers, and Motor Homes, Continued

Investigative pullovers (continued)

Action	Primary Contact Officer	Cover Officer(s)
Clearing the vehicle	<ul style="list-style-type: none"> • Directs the driver to: <ul style="list-style-type: none"> - open the vehicle's rear door(s) and side door(s), and - stand on the passenger side of the vehicle. • May move to the passenger side of the vehicle in order to achieve better visibility inside the vehicle • Checks inside the vehicle for other occupant(s) • Directs occupant(s) out of the vehicle one at a time through the rear or side door of the van 	<ul style="list-style-type: none"> • Maintains visual observation of the vehicle and the driver • Watches the occupant(s) as the primary contact officer continues to clear the vehicle
Conduct investigation	<ul style="list-style-type: none"> • Clears the vehicle for any additional occupants • Takes necessary actions related to the investigation such as: <ul style="list-style-type: none"> - obtaining identification, - searching driver/ occupant(s), - searching the vehicle if necessary, - writing citation or taking other enforcement action, etc. 	<ul style="list-style-type: none"> • Continues cover responsibilities throughout the investigation

NOTE: A traffic pullover or an investigative pullover may escalate at any time into a high-risk pullover.

Continued on next page

Vans, Campers, and Motor Homes, Continued

High-risk pullovers

Just as with an investigative pullover, *at least two officers* should always be present during any high-risk pullover. The following table identifies general guidelines for each officer during a high-risk pullover.

Action	Primary Contact Officer	Cover Officer(s)
Initial contact	<ul style="list-style-type: none"> • Maintains control of the stop from the beginning • Directs the driver to: <ul style="list-style-type: none"> - turn off engine, remove keys from ignition, and hold the keys in one hand, and - place both hands out the driver's side window. 	<ul style="list-style-type: none"> • Maintain visual contact with suspect(s) at all times • If cover not available, officer may elect to remain behind the passenger door of the patrol vehicle. • Protects the primary contact officer
Remove driver	<ul style="list-style-type: none"> • Directs the driver to: <ul style="list-style-type: none"> - open the driver-side door by using the <i>outside handle</i>, - slowly step out of the vehicle, and - close the vehicle door. • Once driver is outside the vehicle, orders the driver to: <ul style="list-style-type: none"> - move slowly, and - keep hands above head. • Visually check driver for weapons as driver exits the vehicle. 	<ul style="list-style-type: none"> • Maintains visual observation of the vehicle and the driver • Watches the occupant(s) as the primary contact officer continues to clear the vehicle

Continued on next page

Vans, Campers, and Motor Homes, Continued

High-risk pullovers (continued)

Action	Primary Contact Officer	Cover Officer(s)
Remove occupants	<ul style="list-style-type: none"> • Questions the driver regarding additional occupants who may be in the target vehicle • Directs driver to: <ul style="list-style-type: none"> - move to the rear and/or side doors of the vehicle, - open door(s), and - spread curtains or any other items that may block observation into the vehicle • Secures the driver • Removes occupant(s) one at a time from the nearest door • Directs occupant(s) to <ul style="list-style-type: none"> - move slowly, and - keep hands above their heads. • Visually checks occupant(s) for weapons as they exit the vehicle. 	<ul style="list-style-type: none"> • Guards the driver as occupants are being removed <p>NOTE: If the cover officer has better visibility, the roles of contact and cover may be switched.</p>
Conduct the investigation	<ul style="list-style-type: none"> • Clears the vehicle for any additional occupants • Conducts a vehicle search • Takes any necessary law enforcement actions 	<ul style="list-style-type: none"> • Continues cover responsibilities throughout the investigation

Continued on next page

Vans, Campers, and Motor Homes, Continued

High-risk pullovers (continued)

NOTE: Individual agency policies may vary with regard to specific procedures for high-risk pullovers of other types of vehicles. It is each officer's responsibility to be aware of and comply with their own agency's policies and guidelines.

Examples

Example: An officer observed a large van roll through a stop sign in a residential area during daylight hours. The officer did not observe anything else. The vehicle had tinted windows on the side and rear and a sliding door with no windows on the passenger side. The officer was able to see only the face of a young male in the driver's side mirror. Because of the officer's limited visibility, the officer chose a nonapproach. She remained with the patrol vehicle and used the PA to instruct the driver to exit the van and bring his license, registration, and proof of insurance to her.

Example: An officer initiated an investigative pullover of a van whose driver was operating the vehicle erratically. On approach, the officer saw the driver was paying particularly close attention to the officer in the rear view and side mirrors. The officer did not have a clear view of the driver's hands or if there were any other occupants in the vehicle. The officer halted his approach, returned to the patrol vehicle, and requested backup. Using the patrol vehicle as cover, the officer used the PA and instructed the driver to exit and move to the curb. When the backup officer arrived, the primary officer continued to clear the vehicle of two occupants as the backup officer maintained cover. During the investigation, it was determined that there were open containers of alcohol in the vehicle and that the driver was DUI.

Motorcycles

[22.04.EO2]

Introduction

Because of their maneuverability and speed, motorcycle pullovers present special safety and tactical considerations for patrol officers.

Operator safety

As a motorcycle pulls off a roadway, it can easily slip or slide on surfaces that are different from the road surface. (e.g., loose gravel on road shoulder)

Officers must also be aware that the motorcycle operator (and rider) are highly vulnerable to injury if the motorcycle should go down as a result of the officer's actions when conducting a pullover.

Mobility

The driver of the stopped motorcycle can easily pull away as the officer approaches and can drive to areas that are impassible by the patrol vehicle. For this reason, it is advisable that patrol officers write down as well as notify dispatch information regarding the:

- motorcycle license number, and
 - identification/description of the operator.
-

Effecting the pullover

When initiating the pullover, the patrol officer must be careful not to follow too closely while directing the operator to a safe location for the stop.

Once the motorcycle is stopped, the patrol officer should:

- pull in behind the motorcycle just as with any other vehicle,
 - have the operator shut off the engine,
 - remove keys from the ignition, if applicable,
 - have operator (and rider) take off helmet(s), (to verify ID)
-

Continued on next page

Motorcycles, Continued

Effecting the pullover (continued)

- step off the motorcycle, and
 - move away from the vehicle to:
 - prevent the person(s) from having any access to weapons that may be on the motorcycle, and
 - ensure the operator does not try to get back on the motorcycle and flee.
-

Examples

Example: A patrol officer paced a motorcycle traveling 53 mph in a 30 mph zone. The officer informed dispatch of his intention to stop the vehicle and then initiated the pullover. The operator initially pulled over along the right side of the road with a narrow shoulder but then continued to a parking area at a nearby gas station when the officer instructed him to do so. The officer took appropriate safety precautions to have the operator move away from the motorcycle while the officer conducted the business of the pullover and wrote the citation.

Non-example: A patrol officer initiated a pullover of a motorcycle without a license plate. The operator told the officer that he needed to stay on the motorcycle because he did not trust the vehicle's kick stand. After obtaining the operator's license, the officer moved back to the patrol vehicle to write the citation. As soon as the officer reached the patrol vehicle, the operator started the motorcycle and sped away, traveling at high speed into a nearby orchard where the officer could not follow. The officer's failure to have the operator move away from the motorcycle led to the potentially dangerous situation.

Buses and Semi-Trucks

[22.04.E03]

Introduction

Pullovers of buses and semi-trucks can involve a number of safety and tactical problems. In addition, a vehicle pullover of a bus can present a significant public relations problem with the passengers.

Initiating the pullover

The selection of an appropriate location for the stop becomes a significant issue when a pullover involves a large vehicle. The officer must direct the bus to a location that not only allows for a safe and tactical approach by the officer but also a location where the passengers will be safe should they have to exit the vehicle.

When a semi-truck is pulled over, it should not be stopped on a grade. Depending on the semi-truck's load, it may be difficult to restart the vehicle parked on a grade.

General guidelines

There are a number of general guidelines officers should be aware of when effecting a pullover of a vehicle that is not a passenger car or pickup.

- Traffic enforcement pullover
 - Investigative pullover
 - High risk pullover
-

Continued on next page

Buses and Semi-Trucks, Continued

General guidelines (continued)

Just as with other unconventional vehicles, there are a number of general guidelines officers should be aware of when effecting each type of pullover.

Type of Pullover	General Guidelines
Traffic enforcement pullover	<ul style="list-style-type: none"> • Basic tactical considerations regarding positioning of the patrol vehicle to the target vehicle and use of emergency lights/siren/horn to get the driver's attention, remain the same as with other traffic enforcement pullovers. • Because of the size of the bus or semi-truck, the officer may have difficulty seeing the driver while the driver has a sight advantage of the officer's approach. • When a pullover involves a bus, officers should have the driver exit and approach the officer. • When a pullover involves a semi-truck, officers should: <ul style="list-style-type: none"> - not require the driver to turn off ignition due to potential engine damage. - instruct the driver to leave the vehicle rather than attempting to climb up on the tractor. - question the driver regarding additional occupants who may be in target vehicle.
Investigative pullover	<ul style="list-style-type: none"> • At least two officers should be present when the stop is initiated, whenever possible. • The officers' approach to the vehicle and the removal of the driver and passengers should be based on the specific circumstances of the pullover (i.e., level of perceived risk). • When clearing the cab of a semi-truck, officers should check the sleeper area for additional suspects.

Continued on next page

Buses and Semi-Trucks, Continued

General guidelines
(continued)

Type of Pullover	General Guidelines
High-risk pullover	<ul style="list-style-type: none">• There are two key safety considerations unique to bus pullovers that officers should be aware of:<ul style="list-style-type: none">- the vulnerability of the patrol vehicle in relation to the size and weight of the vehicle, and- the visibility of the approaching officer to the occupants of the vehicle.• At least two officers should be present when the stop is initiated. Additional support/backup may also be required.• Driver and passengers should be instructed to exit the vehicle one at a time and moved to a safe location.• Once driver and passengers have exited, officer(s) can secure the vehicle and conduct investigative actions (e.g., vehicle search, etc.).

Chapter Synopsis

Learning need Peace officers must make appropriate safety and tactical adjustments when conducting pullovers involving vehicles other than passenger cars and pickup trucks.

Safety and tactical considerations Because of their shape and size, and concealment possibilities, there are a number of safety and tactical considerations officers should be aware of when stopping other types of vehicles.

[22.04.EO1,
22.04.EO2,
22.04.EO3]

- Vans, campers and motor homes
 - Motorcycles
 - Buses and semi-trucks
-

Workbook Learning Activities

Introduction

In order to help you review and apply the material covered in this chapter, a selection of learning activities has been included. No answers are provided. However, by referring to the appropriate text, you should be able to prepare a response.

Activity questions

1. A patrol officer observed a van driving without its headlights on a fairly well lit urban parkway. The officer positioned his patrol vehicle behind the van and turned on the flashing lights. When the driver failed to stop, the officer flashed his high beams and sounded his horn. The driver pulled into the far right lane but did not stop. Instead the driver continued at the speed limit. Offer at least two possible explanations for the driver's behavior. What action(s), if any, do you believe the officer should take?

2. In your own words, why might a vehicle pullover involving a noncommercial passenger van pose a greater officer safety risk than a pullover involving a car?

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

3. How might an officer's actions or tactics vary during an investigative pullover involving a full size pickup truck from an investigative pullover involving a car? What if the investigative pullover involved a sport utility vehicle?

Continued on next page

Workbook Learning Activities, Continued

Activity questions
(continued)

4. Use the following table to list specific *officer safety* considerations when conducting a pullover noted with each type of vehicle.

	Motorcycle	Motor home	Semi-truck
Traffic enforcement pullover on a two lane county highway			
Investigative pullover on a four lane freeway during rush hour			
High-risk pullover on a gravel country road			

Glossary

Introduction **The following glossary terms apply only to Learning Domain 22: Vehicle Pullovers.**

concealment Anything that prevents occupant(s) of a vehicle from observing an officer

contact officer The patrol officer who initiates a vehicle pullover and who therefore becomes responsible for conducting the business of the pullover

cover Anything that may provide protection to an officer during a vehicle pullover by *stopping* or *deflecting* a suspect's weapons

cover officer The patrol officer called to assist the primary or contact officer at the scene of a vehicle pullover

high-risk pullover Pullovers conducted in any situation where patrol officers perceive a greater level of risk; such perceptions may be based on the officer's observations and/or information received through communications with dispatch, other officers, or other reliable means

Mobile Digital Terminal (MDT) Mobile access systems used in law enforcement vehicles to receive and transmit information

officer safety The practical application of tactically sound procedures in conducting all categories of vehicle pullovers

Continued on next page

Glossary, Continued

offset position Placing the patrol vehicle behind and slightly to the right or left of the target vehicle with the center of the patrol vehicle in line with the right or left fender of the target vehicle

primary officer The patrol officer who initiates a vehicle pullover and who therefore becomes responsible for conducting the business of the pullover.

risk assessment The level of anticipated risk involved with any vehicle pullover based on the officer's perception of danger due to a suspect's conduct, or advance knowledge

target vehicle The vehicle that is the object of the law enforcement action

Basic Course

Workbook Series

Student Materials

Learning Domain 24

Handling Disputes/Crowd Control

Version 3.1

**Basic Course Workbook Series
Student Materials
Learning Domain 24
Handling Disputes/Crowd Control
Version 3.1**

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THE ACADEMY TRAINING MISSION

The primary mission of basic training is to prepare students mentally, morally, and physically to advance into a field training program, assume the responsibilities, and execute the duties of a peace officer in society.

FOREWORD

The California Commission on Peace Officer Standards and Training sincerely appreciates the efforts of the many curriculum consultants, academy instructors, directors and coordinators who contributed to the development of this workbook. The Commission extends its thanks to California law enforcement agency executives who offered personnel to participate in the development of these training materials.

This student workbook is part of the POST Basic Course Training System. The workbook component of this system provides a self-study document for every learning domain in the Basic Course. Each workbook is intended to be a supplement to, not a substitute for, classroom instruction. The objective of the system is to improve academy student learning and information retention.

The content of each workbook is organized into sequenced learning modules to meet requirements as prescribed both by California law and the POST Training and Testing Specifications for the Basic Course.

It is our hope that the collective wisdom and experience of all who contributed to this workbook will help you, the student, to successfully complete the Basic Course and to enjoy a safe and rewarding career as a peace officer serving the communities of California.

A handwritten signature in black ink, appearing to read 'Paul Cappitelli', with a stylized flourish at the end.

PAUL CAPPITELLI
Executive Director

LD 24: Handling Disputes/Crowd Control

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Preface

Introduction

Student workbooks

The student workbooks are part of the POST Basic Course Instructional System. This system is designed to provide students with a self-study document to be used in preparation for classroom training.

Regular Basic Course training requirement

Completion of the Regular Basic Course is required, prior to exercising peace officer powers, as recognized in the California Penal Code and where the POST-required standard is the POST Regular Basic Course.

Student workbook elements

The following elements are included in each workbook:

- chapter contents, including a synopsis of key points,
 - supplementary material, and
 - a glossary of terms used in this workbook.
-

How to Use the Student Workbook

Introduction

This workbook provides an introduction to the training requirements for this Learning Domain. It is intended to be used in several ways: for initial learning prior to classroom attendance, for test preparation, and for remedial training.

Workbook format

To use the workbook most effectively, follow the steps listed below.

Step	Action
1	Begin by reading the: Preface and How to Use the Workbook, which provide an overview of how the workbook fits into the POST Instructional System and how it should be used.
2	Refer to the Chapter Synopsis section at the end of each chapter to review the key points that support the chapter objectives.
3	Read the text.
4	Complete the Workbook Learning Activities at the end of each chapter. These activities reinforce the material taught in the chapter.
5	Refer to the Glossary section for a definition of important terms. The terms appear throughout the text and are bolded and underlined the first time they appear (e.g., <u>term</u>).

Chapter 1

Peace Officer Responsibilities

Overview

Learning need When called to handle a dispute, peace officers must be aware of their responsibility to keep the peace in order to prevent a civil matter from escalating into a criminal activity that could threaten the safety of officers and the persons involved.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to:	E.O. Code
<ul style="list-style-type: none">• explain the responsibilities of peace officers at the scene of a dispute.	24.01.EO1
<ul style="list-style-type: none">• describe measures officers should take to protect their own safety and the safety of others when:<ul style="list-style-type: none">- approaching,- making initial contact, and- once inside a residence or area where a dispute is taking place.	24.01.EO2 24.01.EO3 24.01.EO4
<ul style="list-style-type: none">• describe intervention techniques that can be used to protect the safety of officers, other persons, or property.	24.01.EO5

Continued on next page

Overview, Continued

In this chapter This chapter focuses on officer responsibilities and safety issues involved when handling disputes. Refer to the chart below for specific topics.

Topic	See Page
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Introduction to Disputes

[24.01.EO1]

Introduction

A substantial amount of a peace officer's duties is spent responding to calls related to disputes. Such calls may involve a simple complaint between two neighbors to potentially violent confrontations between people. For all disputes though, a peace officer's primary role when handling a dispute is to keep the peace and restore order.

Community expectations

Many disputes come to the attention of officers either through a request of one or more of the parties involved or from an uninvolved party who sees or overhears the dispute taking place.

No matter how the call is initiated, members of the community expect officers to have the authority to intercede along with the skills required to resolve the dispute and restore order.

Continued on next page

Introduction to Disputes, Continued

Officer responsibilities

In all situations involving disputes, the responding officer's primary responsibility is to **keep the peace and restore order**.

The following table identifies the peace officer actions that may be involved in order to keep the peace and restore order at the scene of a dispute.

Officers may be called upon to...	in order to...
<ul style="list-style-type: none"> • take necessary safety precautions 	<ul style="list-style-type: none"> • protect: <ul style="list-style-type: none"> - themselves, - each of the involved parties, - bystanders, and/or - property.
<ul style="list-style-type: none"> • establish and maintain control 	<ul style="list-style-type: none"> • prevent the dispute from escalating further.
<ul style="list-style-type: none"> • defuse the situation 	<ul style="list-style-type: none"> • bring the level of emotions of the involved parties to a manageable level.
<ul style="list-style-type: none"> • gather facts and information 	<ul style="list-style-type: none"> • determine what the problem is that is causing the dispute.
<ul style="list-style-type: none"> • determine if a crime has taken place 	<ul style="list-style-type: none"> • take appropriate law enforcement action(s).
<ul style="list-style-type: none"> • apply appropriate problem solving techniques 	<ul style="list-style-type: none"> • assist the involved parties in reaching their own solution(s) to the problem.
<ul style="list-style-type: none"> • make appropriate referrals when necessary 	<ul style="list-style-type: none"> • aid the involved parties in seeking additional intervention necessary to solve the problem.

Continued on next page

Introduction to Disputes, Continued

Civil disputes

Many dispute situations are noncriminal in nature and do not require officers to take any law enforcement actions. Any problem between two or more parties where no criminal act is involved is called a **civil dispute**.

In a situation involving a civil dispute peace officers may be called upon to advise the involved parties about the methods that can be used to resolve the dispute.

Volatile nature of disputes

Peace officers must always keep in mind that disputes are confrontations between involved parties. Peace officers may be seen by one or more of the involved parties as a possible solution while others may see it as an intrusion into a personal matter.

By the time peace officers are called, the involved parties may have reached a highly emotional state. Even a civil dispute, if not properly handled, can quickly escalate into a criminal matter.

Example: Smith and Jones were involved in an argument over Smith's refusal to repay some money that Jones had loaned him. (*civil dispute*)

In the course of the argument, Jones became so enraged that he struck Smith with his fist. (*misdemeanor criminal matter*)

Smith then pulled a handgun from his coat pocket and fired at Jones, seriously wounding him. (*felony criminal matter*)

Continued on next page

Introduction to Disputes, Continued

Criminal matters

When a dispute becomes a criminal matter, a number of specific actions may be required on the part of the officer. The following table identifies a number of factors involved when handling a dispute that has become a criminal matter.

Factor	Officers may be called upon to...
Safety of officer(s), victim(s), and/or property	<ul style="list-style-type: none">• establish control of the situation.• seek appropriate medical aid if necessary.
Crime identification	<ul style="list-style-type: none">• determine whether all the required elements of a crime can be established based on the available facts.• establish the intent of the person(s) who committed the crime. (Many crimes arising out of disputes require the establishment of <i>specific intent</i>.)
Law enforcement actions	<ul style="list-style-type: none">• determine whether the crime is a felony or misdemeanor. (Peace officers generally cannot arrest for a misdemeanor not committed in their presence.)• make arrest(s) or take other required law enforcement action(s) (e.g., cite and release).

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Introduction to Disputes, Continued

Legal advice

Because members of the community often see peace officers as authority figures, they may take the comments and opinions expressed by officers as “the law.” When involved in handling a dispute, officers must be cautious of what they say and *not give any form of legal advice* to any of the parties involved in the dispute.

When called upon, officers may refer involved parties to:

- that individual’s private attorney,
 - the district attorney,
 - the public defender,
 - the city attorney,
 - legal aid services, or
 - mediation services
-

Focus on goal

When responding to a call involving a dispute, peace officers need to have a clear goal in mind and remain focused on that goal and avoid getting sidetracked while dealing with the dispute.

NOTE: It is important for peace officers to remain flexible and objective when responding to dispute calls.

Resolution at first visit

In all calls involving disputes, responding officers’ goals must include an attempt to resolve in a single visit, the problem causing the dispute.

Additional visits to a disturbance increase the level of danger for the officers and parties involved. Involved parties may be on their guard and less receptive to a peaceful resolution to the situation.

Officer Safety

[24.01.EO2, 24.01.EO3, 24.01.EO4]

Introduction

Responding to a call involving a dispute can be one of the most dangerous parts of a peace officer's job. Violence related to disputes is among the leading causes of peace officer injuries and deaths. For this reason, all calls involving disputes must be handled with caution.

Conscious safety habits

Because of the frequency of calls involving disputes, peace officers can easily regard such calls as routine. Approaching a task as routine can be deadly when a situation involves a dispute. **Calls regarding disputes must never be considered routine.**

Officers must establish a pattern of conscious safety "habits" when disputes are involved. The following table illustrates the difference between routine and a conscious safety habit.

	Definition	Examples
Routine	<ul style="list-style-type: none">• Developed to use time efficiently• Often involves actions without conscious thought	<ul style="list-style-type: none">• Showering and dressing for work
Conscious safety habit	<ul style="list-style-type: none">• Actions that become automatic with practice but still involve conscious decisions to:<ul style="list-style-type: none">- remain alert,- avoid unnecessary risk, or- perform a task in the safest possible way	<ul style="list-style-type: none">• Cleaning a firearm• Standing in such a way that an officer's firearm is not within reach of a subject• Watching a subject's hands

Continued on next page

Officer Safety, Continued

Plan of action

Officer safety requires the establishment of a plan of action, based on known information, that is flexible enough to adjust for changing circumstances.

This plan may be based on a “worse case scenario” of identifying the worst thing that could be encountered and include:

- identifying an objective based on the nature of the call (e.g., stop a conflict, reduce noise, protect property, etc.),
 - establishing the roles and responsibilities of each officer involved,
 - identifying the location of the dispute (e.g., bar, area of known gang activity, etc.),
 - identifying who and how many are involved.
-

Initial information

Officer safety begins with having a clear mental picture of the event or the nature of the dispute prior to actually responding to a call. Officers may need to request additional information regarding:

- the name and description of involved parties,
 - the condition of the involved parties (e.g., indications of drug or alcohol use),
 - the circumstances of the call (e.g., what initiated the call, how the call came in, was there more than one call to dispatch, etc.),
 - whether or not each of the involved parties are still present,
 - whether or not there are other people present (e.g., bystanders, family members, etc.),
 - identification of the reporting party,
 - the known or suspected presence of weapons,
 - record of prior calls in the same location or involving the same parties, or
 - specific nature of the call (e.g., very hostile neighborhood, level of aggression, etc.).
-

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Officer Safety, Continued

Arrival at the scene

One of the most critical times for any officer involved in handling a dispute is the arrival and entry to the scene. Officers rarely have the element of surprise.

Officers must be conscious of their own safety and the safety of others even before they enter the scene of the dispute. The following table identifies a number of safety guidelines related to arrival at the scene of a dispute.

	Guidelines
Patrol vehicle	<ul style="list-style-type: none">• Approach in a manner that does not “announce” arrival (i.e., use of excessive speed or noise, use of light or flashlight, slamming of doors).• Park in a location that is not easily visible to the involved parties (i.e., at least one house away).• Secure the vehicle.
Observation	<ul style="list-style-type: none">• Observe the area surrounding the location of the dispute for<ul style="list-style-type: none">- parties leaving the area,- people congregating in the area, or- anything out of the ordinary.• Examine windows, doors, and roof for people observing officers’ approach.• Use flashlights or spotlights only if necessary.
Backup	<ul style="list-style-type: none">• Wait for backup when necessary.
Approach	<ul style="list-style-type: none">• Listen for loud voices or other sounds that may indicate the nature and extent of the dispute (e.g., shouting, arguing, loud music, etc.).
Access	<ul style="list-style-type: none">• Stand off to the side of the entrance door rather than directly in front of it, preferably to the doorknob side.• If there is a screen door or storm door, open it if it blocks the officer’s view of the premises.• Employ available cover and concealment.

Continued on next page

Officer Safety, Continued

Night time approaches

Frequently calls involving disputes take place during night time hours. Under such conditions, officers should take additional precautions when approaching a scene. These precautions include:

- not using the spotlight to illuminate the house or area,
 - not parking in a brightly illuminated area (e.g, under a street light),
 - keeping interior lights of the patrol vehicle dark, and
 - leaving the flashers of the patrol vehicle off when practical and safe.
-

Initial contact

One of the most critical times for officers responding to a dispute call may be the entry to the premises. Officers must always remember that they have arrived at what may be a confrontation where emotions are high.

On arrival at the premises, peace officers should make a safe entry. To help ensure a safe initial contact, officers should:

- quietly approach, stand at a safe location, listen before knocking,
 - knock normally or otherwise announce their presence,
 - identify themselves as peace officers,
 - state their purpose,
 - request entry, and
 - wait a reasonable amount of time for consent.
-

Continued on next page

Officer Safety, Continued

Initial contact (continued)

Before entering, officers should:

- be cautious of responses such as “It’s open” or “Come in” given by a person who is not in the officer’s sight. Under such circumstances, officers should request that the individual come to the door.
- establish rapport once contact is made by:
 - introducing themselves,
 - explaining the purpose of their presence,
 - explaining how the call was received (if appropriate).
- watch the hands and demeanor of the person who answers the door for weapons or potential weapons, nervousness, a confrontational manner, suspicious behavior.
- request that dogs be secured.
- be aware that their vision may be initially impaired when going from the light (outdoors) into a darker area (indoors).
- maintain a polite, professional demeanor.

NOTE: Depending on the circumstance, if the dispute is taking place outside of a residence, officers may attempt to move the involved parties indoors to avoid the attention of bystanders or uninvolved parties.

Exigent circumstances

Exigent circumstances are emergency situations requiring swift action to prevent:

- imminent danger to life, or
- serious damage to property.

If there are exigent circumstances that lead officers to *reasonably believe* someone inside a dwelling may be injured or in immediate need of help, those officers may enter the property without consent.

Continued on next page

Officer Safety, Continued

After initial contact

Once entrance has been made, there are a number of actions officers should take to protect their own safety and the safety of others.

The following table identifies safety guidelines associated with these actions.

Action	Safety Guidelines
Assess the existence of current or potential violence	<ul style="list-style-type: none">• If a violent physical encounter is in progress, the involved parties should be separated immediately.• Note the condition of the premises looking for signs of previous violent acts.• Ask if other people are present.• Visually inspect the area for potential weapons.• Inquire about the existence and location of weapons.
Make initial contact with the involved parties	<ul style="list-style-type: none">• Locate <i>all</i> occupants (e.g., involved parties, family members, other persons in the area, etc.).• Search the involved parties for weapons visually and, if appropriate, search them physically.• Determine the condition of the involved parties. Look for signs of:<ul style="list-style-type: none">- drug or alcohol use,- emotional or psychiatric problems, or- extreme stress.• Determine the relationship between the involved parties.

Continued on next page

Officer Safety, Continued

**After
initial
contact**
(continued)

Action	Safety Guidelines
Establish and maintain control	<ul style="list-style-type: none">• Move parties out of potentially dangerous areas where weapons or items that could be used as weapons may be accessible (e.g., kitchens, bedrooms, etc.).• Maintain visual contact with all parties at all times.• Keep sight of partner at all times.• Have involved parties sit down if appropriate. (If violence potential is high, officers should remain standing.)• Constantly reassess the situation for potential violence.

NOTE: At any time during a dispute call, a tactical retreat should be utilized if the circumstances dictate.

Intervention Techniques

[24.01.EO5]

Introduction

Before a dispute can be resolved in an orderly manner, peace officers may be required to intervene in order to ensure the safety of themselves, others, and property.

Intervention techniques

Intervention techniques range from mere presence to physical force. The amount of force, if any, officers use to intervene will depend on the circumstances of the incident. An officer may be faced with a situation that requires moving directly from verbal force to physical force for their safety or the protection of others.

The following table identifies techniques that officers may select from.

Intervention Technique	Additional Information
Presence and demeanor	<ul style="list-style-type: none">• The mere sight or the professional presence of peace officers may be all that is required to stop participants from arguing or fighting.• Professional presence includes:<ul style="list-style-type: none">- the symbol of authority that is conveyed by a law enforcement uniform,- a calm and impartial demeanor on the part of officers,- the gestures and stance of each officer, and- each officer's use of personal space by not invading another's personal space.

Continued on next page

Intervention Techniques, Continued

Intervention techniques (continued)

Intervention Technique	Additional Information
Verbal force	<ul style="list-style-type: none">• May be used when mere presence alone is not successful.• Involves first <i>asking</i> and then, if necessary, <i>telling</i> that person to do something (e.g., employ tactical communication).• Do not attempt to embarrass or belittle anyone or to threaten arrest. This may only anger the person further and escalate the situation.
Physical contact	<ul style="list-style-type: none">• Involves physically touching or restraining an individual in order to prevent that person from taking any further actions.• May expose the officer to physical resistance or assault.
Physical force	<ul style="list-style-type: none">• Use of control holds or less lethal methods to separate parties and gain control (e.g., pepper spray, baton, handcuffs, etc.).• Deadly force or threat of deadly force should only be used in life threatening situations.

Resolution

Once officers have safely entered and gained control, they can begin to defuse the situation, mediate the dispute, and work toward resolving the problem.

Continued on next page

Intervention Techniques, Continued

Examples

Example: Officers were called to an apartment where neighbors reported a loud fight between two roommates that had been going on for hours. On arrival, the officers found the front door standing open. When one officer knocked on the door, a voice called, “We’re in the kitchen. Come on in.” Instead of going in, the officer called out, “We’re peace officers. Would you come to the door, please?” The officer waited a few moments and then repeated the statement. A man came to the door. The officers explained the purpose of their visit and asked to come into the apartment. The man replied, “If you can talk some sense into my crazy roommate, you’re welcome.” The officers followed safety guidelines for entering the scene of a dispute.

Example: Continuing the above example: Once inside the apartment, the officers inspected the area and saw no signs of violence. They located the other occupant in the kitchen. Neither man appeared to be armed. The officers suggested that they move to the living room and sit down so they could “be more comfortable.” The officers followed safety guidelines once they were on the scene of a dispute.

Continued on next page

Intervention Techniques, Continued

Examples (continued)

Example: Officers were called to the scene of a family dispute involving a mother and daughter. The officers arrived to find the two women yelling at each other on the front porch of their house. The officers introduced themselves and suggested they move inside the house. The mother continued to scream abuse at her daughter. One officer said in a calm, low tone, “Ma’am, please lower your voice.” After several minutes, the mother began to sob and allowed herself to be guided inside the house. The officer used an appropriate amount of intervention to gain control of the situation.

Non-example: Continuing the above example: As the officers entered the house with the mother, they allowed the daughter to follow behind them. She grabbed one officer’s firearm as he walked through the front door and tried to shoot at her mother. The officers neglected to remain alert and watch a subject’s hands at all times and the incident escalated into a criminal matter.

Chapter Synopsis

Learning need When called to handle a dispute, peace officers must be aware of their responsibility to keep the peace in order to prevent a civil matter from escalating into criminal activity that could threaten the safety of officers and the persons involved.

Officer responsibilities [24.01.EO1] In all situations involving disputes, the responding officer's primary responsibility is to keep the peace and restore order.

Arrival on the scene of a dispute [24.01.EO2] One of the most critical times for any officer involved in handling a dispute is the arrival and entry to the scene. Officers rarely have the element of surprise. Officers must be conscious of their own safety and the safety of others even before they enter the scene of the dispute.

Initial contact [24.01.EO3] Before entering officers should be cautious of responses such as "It's open" or "Come in" given by a person who is not in the officer's sight. Under such circumstances, officers should request that the individual come to the door.

Establish rapport once contact is made by introducing themselves, explaining the purpose of their presence explaining how the call was received (if appropriate).

Watch the hands and demeanor of the person who answers the door for weapons or potential weapons, nervousness, confrontational manner, suspicious behavior. Request that dogs be secured before officers enter. Be aware that an officer's vision may be initially impaired when going from the light (outdoors) into a darker area (indoors). Maintain a polite, professional demeanor.

Continued on next page

Chapter Synopsis, Continued

**After
initial
contact
[24.01.EO4]**

The following safety guidelines include actions that peace officers should take to protect their own safety and the safety of others, once entry has been gained to the scene of a dispute.

- Assess the existence of current or potential violence.
 - Make initial contact with the involved parties.
 - Establish and maintain control.
-

**Intervention
techniques
[24.01.EO5]**

Before a dispute can be resolved in an orderly manner, officers may be required to intervene in order to ensure the safety of themselves, others, and property. The amount of force officers use will depend on the circumstances of the incident.

Workbook Learning Activities

Introduction To help you review and apply the material covered in this chapter, a selection of learning activities has been included. No answers are provided. However, by referring to the appropriate text, you should be able to prepare a response.

Activity questions 1. List three examples of conditions that could indicate exigent circumstances for entrance to private property without first getting permission to do so when responding to a dispute call. List three examples of conditions that would not.

2. You and your partner are called to investigate a dispute involving two neighbors. You knock at the first house, but no one answers. When you approach the second house, you find the front door open. After knocking and announcing yourselves as officers, someone responds by yelling, "Yeah, we're back here. Come on back." There are no loud or angry voices and no outward signs of violence. What should you do? What safety precautions should you take? Explain the reasons for your answers.

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

3. What would indicate a potential safety hazard for officers as they approach a private residence? An apartment that is on an upper floor of a large building? A fenced backyard with people in it?

4. You and your partner receive a call involving two women, loud noises, and screaming. The call was placed by an elderly neighbor who lives in an apartment next to the two women. You have been provided with the name of the involved parties and with the fact that officers have been called to the apartment several other times by the same neighbor complaining about loud music and noise. Describe your plan of action for responding to the call.

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

5. Continuing the scenario of question number four: After knocking on the door of the apartment, a young woman opens the door. The guard chain is on the door and the woman peers out through a three-inch opening. You hear loud music and the sounds of another person scuffling in the background. What do you say to her? Without opening the door any further, the woman tells you that the “place is a mess” and that her roommate was just partying a little to “let off steam.” She said, “That old lady has it in for us and is always complaining about something.” Describe your next action(s).

Continued on next page

Workbook Learning Activities, Continued

Student notes

Chapter 2

Defusing, Mediating, and Resolving Disputes

Overview

Learning need Peace officers must develop appropriate skills for defusing, mediating and resolving disputes in order to protect their safety and the safety of others, as well as prevent the dispute from escalating.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to:	E.O. Code
<ul style="list-style-type: none">• explain appropriate techniques for defusing a potentially violent dispute.	24.02.EO2
<ul style="list-style-type: none">• describe appropriate techniques for conducting a brief interview of the parties involved in a dispute.	24.02.EO4
<ul style="list-style-type: none">• summarize the steps involved in the problem solving process for mediating a dispute.	24.02.EO5

Continued on next page

Overview, Continued

In this chapter This chapter focuses on the methods officers can use when handling disputes. Refer to the chart below for specific topics.

Topic	See Page
Defusing Techniques	2-3
Mediation and Resolution	2-9
Chapter Synopsis	2-16
Workbook Learning Activities	2-17

Defusing Techniques

[24.02.EO2]

Introduction

People who are involved in disputes have often reached highly emotional states by the time law enforcement officers arrive at the scene. Conversation and mediation between the officers and the involved parties may not be possible until the emotional levels of the involved parties have been lowered and brought to a manageable level.

Defusing

Defusing is a process of reducing the potential for violence and bringing emotional levels to a manageable level to restore order. The primary objective of defusing is to calm each person so that conversation can take place.

The use of defusing techniques may be required when the parties involved in a dispute are so:

- angry or hostile with each other that a calm discussion is not possible, or
 - upset or hysterical and unable to communicate.
-

Defusing techniques

The most appropriate technique to use to defuse a dispute will depend on the specific situation. Officers will need to select a strategy that is most appropriate based on their analysis of the situation.

Continued on next page

Defusing Techniques, Continued

Defusing techniques (continued)

The following table identifies a number of techniques that are used to defuse a confrontation involving angry people.

Technique	Additional Information
Separate the involved parties	<ul style="list-style-type: none">• Separation provides the opportunity for each person to regain composure.• Move each party far enough away from each other so that officers can talk to each privately.• Position the involved parties so as to break their eye contact with each other and so that their backs are to each other and each is facing an officer.• Officers should be in positions that allow them to keep sight of each other.• Separating the involved parties also helps officers verify statements by obtaining independent information from each person.
Speak in a calm firm tone	<ul style="list-style-type: none">• Give calm, direct instructions using a firm voice.• The parties involved in the dispute will have to quiet down in order to hear what the officer is saying to them.• When officers exhibit a quiet and controlled demeanor, other people are likely to do so also.• Avoid potentially demeaning remarks such as “Calm down” or “Quit acting like a child.”• Use silence strategically.

Continued on next page

Defusing Techniques, Continued

Defusing techniques (continued)

Technique	Additional Information
Distract the individual	<ul style="list-style-type: none"> • Draw attention away from the other person and toward the officer. • Make comments that are not related to the dispute (e.g., “Is that a picture of your kids?”, “May I turn the television off?”).
Pretend not to understand	<ul style="list-style-type: none"> • When an officer pretends not to understand, it encourages the person to repeat statements and possibly give more details. • A person’s focus often shifts from anger to concentrating on ways of getting the officer to understand that person’s point of view.
Use active listening	<ul style="list-style-type: none"> • Maintain eye contact with the speaker and acknowledge what has been said with nods and encouragement. • Repeating or rephrasing the person’s statement may give that person an impression that the officer understands them. • This produces a feeling that the person may have an ally without the officers actually taking sides.

Bringing involved parties together

Once emotions have been brought under control and officers have gained control of the situation, the involved parties can be brought together again and officers can begin to help them resolve the problem in a calm rational manner.

Continued on next page

Defusing Techniques, Continued

**Bringing
involved
parties
together**
(continued)

Even though it may appear that the involved parties are now calm and rational, officers must always remember that dispute situations are volatile. The dispute may erupt again if officers do not maintain their control of the situation.

Examples

Example:

Officers were called to a small strip mall where two men were shouting at each other in the parking lot. After officers arrived, they saw that one of the men had positioned his car so it was blocking the other's car parked in the mall lot. When he saw the officers, the man whose car was blocked yelled, "Arrest this guy, he's illegally blocking my car." The other man shouted, "He stole my space--I was waiting for that space and this guy pulled around me and took it. I'm staying." The officers separated the two men, each officer talking to each one individually. Both officers listened carefully to each man's side of the incident and gradually both individuals became calmer. Then the officers brought the two together and got the disputants to agree that the man blocking the other's car would back it up to allow the first man to leave. The issue was resolved.

Continued on next page

Defusing Techniques, Continued

Examples
(continued)

Example:

Officers responded to a complaint from a cafe owner who reported that a woman was harassing his customers. On arrival, the officers observed a crowd of people watching and commenting on an elderly woman and a man in a shouting match in front of a sidewalk cafe. When the man saw the peace officers, he said, "Thank God! Please arrest this lady-she's driving my customers nuts." The woman immediately responded by saying, "I have a right to be here. I'm not bothering anybody." One officer said, "Let's step over here where customers can't hear and discuss this quietly." The officers interviewed the disputants individually and allowed each party to tell their side of the story. The woman spoke in a somewhat rambling and confused manner, but eventually it emerged that she liked to visit the cafe on Sunday morning when patrons were having coffee and reading the newspapers. She would go from table to table asking for the coupons in the Sunday papers. The owner reported that she appeared every Sunday, she was a nuisance and he was sick of her and so were his customers. The officers listened attentively to both parties and after they were certain they understood the situation, they brought the two back together. After some discussion the two parties resolved the issue: the lady agreed to leave the premises and the cafe owner agreed not to press for further action from law enforcement.

Continued on next page

Defusing Techniques, Continued

Examples
(continued)

Non-example:

Continuing the above Example: The officers did not take the parties aside. Instead one of the officers spoke condescendingly to the elderly lady, saying, “Now if you don’t act like a good girl and go home, I’ll have to arrest you.” The lady became flustered and agitated and several patrons and passers by began to make angry comments about the treatment she was receiving. They began yelling at the peace officers. By not using appropriate techniques, the officers made the situation more explosive and became the focus of hostility.

Mediation and Resolution

[24.02.EO4, 24.02.EO5]

Introduction

There is a greater likelihood of follow-through and resolution to a problem if the individuals involved in a dispute reach their own solutions to the problem. When proper mediation techniques are used to help the involved parties solve their own problems, there is also less of a chance that peace officers will be called back to the scene again for the same reason.

Mediation and resolution

Mediation is a problem solving technique that allows peace officers to assist people involved in a dispute in reaching their own solutions to a problem.

Resolution is a solution to the problem that is accepted by both parties to the dispute and that makes further peace officer action unnecessary.

Fact finding interview

Before any mediation techniques can be applied, officers must first gather information from the involved parties regarding the cause(s) of the problem as well as the nature and scope of the dispute itself.

The interview at the scene of a dispute should not be viewed as an interrogation -- but rather as a brief fact finding interview to determine the root problem prompting the dispute.

Continued on next page

Mediation and Resolution, Continued

**Fact
finding
interview**
(continued)

The following table identifies a number of guidelines for conducting a fact finding interview.

Actions	Interview Guidelines
Maintain control of the interview at all times	<ul style="list-style-type: none"> • Set ground rules and then make sure they are enforced. • Allow only one person to speak at a time. Don't allow interruptions or interference. • Ensure that each person has an opportunity to speak. • Hold the speaker to the topic at hand. • Maintain eye contact with the speaker. • Don't allow the person to turn the interview around and ask the questions.
Ask appropriate questions	<ul style="list-style-type: none"> • Use open ended questions, asking the person "what" and "how." • Avoid leading questions that make the person feel as if that person is being cross examined (e.g., "Don't you think that ..."). • Allow the person to speak freely and openly within the set ground rules. • Ask if there have been similar problems before. • If any behavior is described as "abnormal" ask if that person has been taking medications.

Continued on next page

Mediation and Resolution, Continued

	Actions	Interview Guidelines
Fact finding interview (continued)	Remain impartial	<ul style="list-style-type: none">• Recognize that there are as many sides to the dispute as there are parties involved.• Avoid jumping to conclusions or assuming understanding until all sides are heard.• Try not to make suggestions or give personal advice.• Be conscious of nonverbal behaviors that may indicate insincerity on the part of the officer.

Ending the interview

At the end of the interview, peace officers should:

- summarize what each party has said,
- highlight the main issues, and
- make sure that each person agrees with the summary of what that person has said.

If the individual does not agree with an officer's summary, additional questions should be asked to clarify any misunderstanding.

When not to mediate

Peace officers should not attempt to mediate a solution to a dispute if:

- one party has left or refuses to cooperate,
 - there are other preferable alternatives available,
 - a crime has taken place and law enforcement action is required, or
 - one of the involved parties is being taken into custody under the provisions of *Welfare and Institutions Code Section 5150*.
-

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Mediation and Resolution, Continued

Problem solving mediation process

After each party involved in the dispute has been briefly interviewed and the problem has been identified and agreed upon, officers can begin a step-by-step problem solving mediation process.

The following table identifies the steps of this process.

Step	Action	Additional Information
1	Elicit suggestions.	<ul style="list-style-type: none">• Have the involved parties suggest ways of resolving or improving the situation.• Be persistent.• Don't allow the involved parties to look to the officers for recommendations or answers.• Persons will be more committed to their own ideas than they will to others.
2	Discuss possible suggestions.	<ul style="list-style-type: none">• Allow each person to discuss the suggestions that have been made.• Try to avoid offering opinions (positive or negative) or suggesting modification to any suggestion.
3	Use negotiation to arrive at an agreement.	<ul style="list-style-type: none">• An agreement does not have to represent an exact 50/50 split of compromises.• Don't allow illegal remedies.• Don't push one person's suggestion over another's.

Continued on next page

Mediation and Resolution, Continued

Problem solving mediation process
(continued)

Step	Action	Additional Information
4	Summarize agreement.	<ul style="list-style-type: none">• Make sure each person involved in the dispute has a clear understanding of what is involved in the resolution that has been agreed upon.
5	Encourage follow through.	<ul style="list-style-type: none">• Encourage the involved parties to have confidence in the agreed upon resolution to the problem.• Have the involved parties identify and agree upon what steps they will each take in their part of the follow through.

Closure

Before officers leave the scene, they should once again review what the agreed upon solution is and each party's commitment to follow through with that solution.

Officers should thank the involved parties for their cooperation and efforts and say they can call back if they need to.

Continued on next page

Mediation and Resolution, Continued

Examples

Example:

Peace officers responded to a complaint from a woman who said that her driveway was being blocked by a workman's truck. On arrival, the officers found that the truck belonged to a construction crew building an addition to the house next door. One of the officers interviewed the woman and the other officer talked to the neighbor who was building the addition. The woman stated that the crew frequently used her driveway, littered her yard, and continued work into the night, causing her to lose sleep. She wanted the project halted by the police. The neighbor said that the woman had tried and failed to get the city to refuse permission for the home addition and had been hostile to him and his family ever since, calling the police over imagined and/or trivial problems. After interviewing the individuals separately, the officers brought them together and asked for ideas on how to resolve the situation. After some discussion, the two parties agreed on some ground rules for the rest of the construction period and that if there were further problems they would discuss them with each other before calling law enforcement.

Continued on next page

Mediation and Resolution, Continued

Examples (continued)

Example: A peace officer was called to mediate a dispute between two neighbors. An argument erupted between Mr. Blane and Mr. Davis, over a fence that Mr. Blane had built. Mr. Davis claimed the fence was two feet onto Mr. Davis' property. Mr. Davis, furious at the encroachment on his land, began painting the fence bright orange. Mr. Blane demanded that Mr. Davis stop painting. Mr. Davis claimed that since that portion of the fence was entirely on his property, he could do as he pleased. Mr. Blane claimed the fence was not hurting anything. The officer intervened and told both parties to stop all actions. After briefly interviewing each neighbor, the officer asked the men if they had any ideas how to solve the problem. After further discussion, the two parties decided to collect the necessary evidence (photos, witnesses, etc.) and handle the dispute as a civil matter.

Non-example: Continuing the above Example: Instead of asking the two neighbors for their ideas on how to solve the situation, the officer said that, since the fence was on Mr. Davis' property, Mr. Blane could do nothing about Mr. Davis painting it orange. This did nothing to resolve the issue of whose property the fence was on.

Chapter Synopsis

Learning Need Peace officers must develop appropriate skills for defusing, mediating and resolving disputes in order to protect their safety and the safety of others, as well as prevent the dispute from escalating.

Defusing
[24.02.EO2] Defusing is a process for reducing the potential for violence and bringing emotional levels to a manageable level to restore order.

Interviewing parties in a dispute
[24.02.EO4] Before any mediation techniques can be applied, officers must first gather information from the involved parties regarding the cause(s) of the problem as well as the nature and scope of the dispute itself.

Mediation
[24.02.EO5] After each party involved in the dispute has been briefly interviewed and the problem has been identified and agreed upon, officers can begin a step-by-step problem solving mediation process.

Workbook Learning Activities

Introduction

To help you review and apply the material covered in this chapter, a selection of learning activities has been included. No answers are provided. However, by referring to the appropriate text, you should be able to prepare a response.

Activity questions

1. How might officers use silence as a strategy when defusing a conflict between hostile persons?

2. You are called to the scene where a dispute between the owner of a sidewalk fruit stand and two women is in progress. The dispute is taking place on a busy street with heavy vehicle and pedestrian traffic. As you approach, the owner, who speaks with a heavy accent, is clinging to one woman's arm and is shouting "Send her jail! Stole fruit! Thief!" The woman is screaming at the owner, "Let go! I didn't steal nothing---get your hands off me!" Her companion runs toward you and screams, "This guy is nuts! He's attacking my friend!" Describe what actions you can take to defuse the situation. What precautions should you take to protect your own safety and the safety of others?

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

3. Continuing the scenario from question 2: A crowd is beginning to gather around you and the people involved in the dispute. Two of the bystanders are trying to get your attention to give you their viewpoints on what has taken place. How might the conditions described in the scenario hinder your attempts to mediate the dispute? What actions should you take to overcome them?

Workbook Corrections

Suggested corrections to this workbook can be made by going to the POST website at: www.post.ca.gov

Continued on next page

Workbook Corrections, Continued

Student notes

Chapter 3

Specific Types of Disputes

Overview

Learning need Peace officers must be aware of the nature of certain types of disputes, as well as the laws that pertain to each type in order to take the appropriate measures to resolve the dispute.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to:	E.O. Code
<ul style="list-style-type: none">• discuss safety considerations officers should be aware of when responding to a family dispute.	24.03.EO1
<ul style="list-style-type: none">• describe crimes associated with landlord/tenant disputes, including:<ul style="list-style-type: none">- tenant lockout/seizure of property,- vandalism,- unauthorized entry,- disruption of utility services, and- re-entry following a lawful eviction.	24.03.EO2 24.03.EO3 24.03.EO4 24.03.EO5 24.03.EO6
<ul style="list-style-type: none">• explain peace officers' role when called to a dispute involving a repossession.<ul style="list-style-type: none">- vehicle- property	24.03.EO7
<ul style="list-style-type: none">• determine when possession is complete in the course of a repossession.<ul style="list-style-type: none">- vehicle- property	24.03.EO8

Continued on next page

Overview, Continued

In this chapter This chapter focuses on the laws and appropriate officer actions for handling certain types of disputes. Refer to the chart below for specific topics.

Topic	See Page
Family Disputes	3-3
Landlord/Tenant Disputes	3-10
Disputes Involving Repossession	3-20
Chapter Synopsis	3-28
Workbook Learning Activities	3-30

Family Disputes

[24.03.EO1]

Introduction

A large number of all homicides and assaults take place within the family. Because of this, one of the most common and the *most dangerous* type of dispute that peace officers are called to is a dispute that involves family members.

Involved parties

Most often, husband and wife relationships come to mind when one considers who might be involved in a family dispute. But family disputes can and frequently do involve any number of persons within a household.

Examples of potential parties of a dispute can include, but are not limited to:

- husbands and wives,
 - cohabitants,
 - roommates,
 - people separated or divorced,
 - parents and children,
 - siblings, or
 - other relatives.
-

Reasons for conflict

There are many potential sources for conflicts within the dynamics of a family. Some of the most common include, but are not limited to, disputes about one or more of the following:

- Finances
 - Property
 - Treatment or custody of children
 - Marital infidelity
 - Discipline or other parent/child conflicts
 - Household responsibilities
-

Continued on next page

Family Disputes, Continued

**Reasons
for
conflict**
(continued)

- Jealousy
 - Drug use
 - Alcohol consumption
 - Employment
 - Hobbies, clubs, or other activities
-

**Officer
safety**

Peace officers must regard every family dispute as a potentially explosive and dangerous situation. By the time officers are called, emotions are high and the heat of the disturbance may be at its most dangerous level.

Whenever officers respond to a call involving a family dispute, they should remember the following points when considering their own safety as well as the safety of others.

- Officers may be unwelcome or even viewed as an intrusion by one or more of the involved parties.
- Concealed weapons or household items within a home may be accessible to the persons involved in the dispute.
- The use of drugs or alcohol by one or more of the involved parties can inhibit rational behavior.
- Officer actions or remarks that are perceived by members of the household as callous can inflate hostilities further. Anger may be transferred to the officer.
- If one or more of the involved parties is placed under arrest, other members of the family or household may become hostile toward the arresting officers.

NOTE: Peace officers should not treat cases of domestic violence as a family dispute. Guidelines for handling incidents of domestic violence are found in LD 25: *Domestic Violence*.

Continued on next page

Family Disputes, Continued

Attempting resolutions

Officers must treat every dispute involving family members with utmost caution.

By exposing the cause(s) of the dispute through the problem solving mediation process, the officers themselves may become the focal point of the anger and frustration of the involved parties. Family members may unite against officers as an “uninvited third party.”

Officers need to keep the focus on the causes of the dispute and not allow it to shift to the officers themselves.

Officer involvement

The structure of the family can vary greatly based on many cultural factors as well as choices of life style.

Officers who respond to family disputes must guard against allowing their own personal opinions or beliefs to affect their attitudes or actions toward the parties involved in the dispute. They must also guard against being drawn into the dispute or becoming emotionally involved, no matter what the circumstances are.

Officers must never lose sight of their primary responsibility: to **keep the peace and restore order**.

Temporary separation

Sometimes, as part of a mediation and in addition to a referral, it may be advisable to suggest a voluntary temporary separation of the involved parties. Such separations involve one or more of the family members leaving the premises for a specific length of time (e.g., staying with a friend or other family member over night).

A temporary separation may not solve any deep seated problem that is at the root of the problem, but it may allow emotions to cool to a level where further mediation can take place.

Continued on next page

Family Disputes, Continued

Referrals

The problems that may lead to family disputes may be deep rooted and complex. Often, they are beyond what can be resolved by officers. Officers should be prepared to make appropriate referrals in such situations.

Additional information

Additional information regarding the laws and the handling of conflicts related to family disputes may be found in the following:

LD 7: *Crimes Against People*,
LD 9: *Crimes Against Children*,
LD 10: *Sex Crimes*,
LD 11: *Juvenile Law and Procedure*, and
LD 25: *Domestic Violence*.

Continued on next page

Family Disputes, Continued

Examples

Example:

Officers Smith and Jones received a call regarding a family dispute. A woman had reported her husband and son were having a “horrible argument” in the driveway of their house. She also said she was afraid “one of them was going to get hurt.” The officers arrived and found the two men in the driveway. The older man was holding a large stick and the younger man was trying to take the stick away from him. Both men were visibly upset, yelling and screaming at each other.

Officer Smith told both of them to move away from each other and put the stick on the ground. Both of the men complied and did as they were told, however, both of them continued yelling at each other. The officers were able to convince both of the subjects to move into the house. Once inside the house the officers were able to separate both men and start to get statements from them about what had happened.

The officers discovered that the argument stemmed from the sons’ unwillingness to follow the “rules of the house.” The conflict between the two of them had been a long standing issue, but this was the first time the police had been called.

Both men agreed that their issues with one another went a lot deeper than the current argument. Using some good mediation techniques the officers were able to get both of them to agree to seek counseling. The officers supplied them with information regarding family services. The son agreed to stay with an aunt for a few days. He packed a few clothes and left the house.

Continued on next page

Family Disputes, Continued

Examples (continued)

Example:

The officers' first action to get the attention of both parties was the first step toward resolving the dispute. The officers were able to disarm the older man, a sound officer safety tactic. Moving the parties inside the house served to ensure the confrontation did not draw undue attention from neighbors. Their actions distracted both men and helped to lower the emotional levels.

By the use of patience and some good mediation techniques the officers were able to establish some agreement between the two to seek help. The safety of both parties was insured and one of them left the home for a few days. There was agreement on the part of both parties to work toward a long term solution to their problem.

Continued on next page

Family Disputes, Continued

Examples
(continued)

Non-example: Rather than taking the actions noted in the previous example, the officers did not attempt to separate the men once indoors. Instead, Officer Smith ordered the men to “calm down and keep quiet!” He proceeded to lecture the young man about following the rules while he lived under his father’s roof and how the young man should be ashamed that his mother had to call law enforcement officers. The officer’s lecture and attitude enraged the young man further and the young man began yelling at Officer Smith. When Officer Jones attempted to intervene, the father became angry and started to shout at the officers to “stop attacking my kid!” Because of Officer Smith’s actions and comments and the officer’s failure to mediate, the officers themselves became the focus of both men’s anger.

Landlord/Tenant Disputes

[24.03.EO2, 24.03.EO3, 24.03.EO4, 24.03.EO5, 24.03.EO6]

Introduction

Just as with all other types of disputes, when called to a dispute involving a landlord and tenant the *primary* responsibility of responding peace officers is to ***keep the peace and restore order***. Once this has been achieved, effective handling of the dispute often requires an understanding of the applicable laws related to landlord and tenant actions.

Nature of dispute

Signing a lease requires a tenant to make timely rent payments and not to damage the property. For example, a landlord is required to respect the privacy of the tenant and not enter the property unless either the tenant has given permission, or there is an emergency (e.g., a broken water pipe) that requires immediate attention to prevent further damage to the property.

Disputes often arise when one member of the agreement (e.g., the landlord) believes the other (e.g., the tenant) is in violation of the contract (e.g., hasn't paid the rent on time).

Dispute resolution

Landlord/tenant disputes involving criminal actions on the part of the landlord or the tenant, may need to be handled with the appropriate law enforcement actions (e.g., arrest, cite and release, etc.).

If a dispute arises for reasons other than a criminal act, officers should attempt to mediate and reach an acceptable resolution between the involved parties.

An acceptable resolution may include referring the involved parties to the appropriate agency that can resolve the problem that has caused the dispute.

Continued on next page

Landlord/Tenant Disputes, Continued

Tenant lockout/ seizure of property

Occasionally, when a tenant is behind in the rent, the landlord may attempt to jam the entrance or change the lock on the door in order to prevent the tenant's further use of the dwelling, or seize property belonging to the tenant until the rent is paid. Such actions may be unlawful.

The following table further identifies these criminal acts on the part of a landlord.

Unlawful Landlord Action	Crime Elements	Classification	Penal Code Section
Tenant lockout	<ul style="list-style-type: none"> • Every person: <ul style="list-style-type: none"> - using or procuring, - encouraging or assisting another to use, • any force or violence • in entering upon or detaining • any lands or other possession of another, • except in the cases and in the manner allowed by law 	misdemeanor	418
Seizure of tenant's property			

NOTE: *Penal Code Section 418* does not apply when the action is taken as part of a lawful eviction.

NOTE: In order to lawfully take possession of a tenant's property, landlords must first obtain a court order allowing them to do so. (*Civil Code Section 1861(a)*)

NOTE: Even with a lien, a landlord generally cannot seize any property necessary to the tenant's livelihood or any necessary household items (e.g., stove, refrigerator, beds, tools related to a person's profession, etc.).

Continued on next page

Landlord/Tenant Disputes, Continued

Vandalism

It is also unlawful for a landlord to remove the doors and/or windows to the tenant's dwelling or destroy the tenant's personal property in an effort to harass the tenant.

The following table further identifies the crime of vandalism on the part of a landlord.

Unlawful Landlord Action	Crime Elements	Classification	Penal Code Section
Removal of doors and/or windows	<ul style="list-style-type: none">• Every person• who maliciously:<ul style="list-style-type: none">- defaces with graffiti or other inscribed material,- damages, or- destroys	misdemeanor	594
Damage or destruction of tenant's property	<ul style="list-style-type: none">• any real or personal property• not his or her own's• in cases other than those specified by law		

NOTE: Even though landlords are technically destroying their own property (i.e., removing doors and/or windows), the courts have held that the tenant has a property interest in the premises. Actions of destruction by the landlord constitute a malicious act on the part of the landlord against the tenant.

Continued on next page

Landlord/Tenant Disputes, Continued

Authorized entry

A landlord may enter the dwelling of a tenant without permission only when:

- entry is reasonable (e.g, to repair a leaking pipe, investigate smoke, etc.), *or*
 - the tenant has consented by the lease to the landlord’s entry at will.
-

Unauthorized entry

If a landlord enters a tenant’s dwelling without prior permission in order to harass the tenant or to “snoop around,” the landlord has committed the crime of unauthorized entry (trespass). The following table further identifies the crime of unauthorized entry (trespass) on the part of a landlord.

Unlawful Landlord Action	Crime Elements	Classification	Penal Code Section
Entering without a legitimate reason or without permission from the tenant	<ul style="list-style-type: none"> • Every person • other than: <ul style="list-style-type: none"> - a public officer, or - employee acting within the course and scope his or her employment in performance of a duty imposed by law, • who enters or remains in any: <ul style="list-style-type: none"> - noncommercial dwelling house, - apartment, or - other residential place • without the consent of the: <ul style="list-style-type: none"> - owner, - his or her agent, or - person in lawful possession (tenant) 	misdemeanor	602.5

Continued on next page

Landlord/Tenant Disputes, Continued

Disruption of utility services

Landlords are not allowed to disrupt or disconnect one or more of the tenant's utilities as a means of forcing the payment of past rent. Such actions are not allowed by law.

The following table further identifies the crime of disruption of utility services on the part of a landlord.

Unlawful Landlord Action	Crime Elements	Classification	Penal Code Section
Interruptions of a tenant's telephone, electricity, gas, water, or other utility services	<p>A person who</p> <ul style="list-style-type: none"> • unlawfully and maliciously <ul style="list-style-type: none"> - takes down, - removes, - injures, or - obstructs • any line of <i>telegraph, telephone, or cable television</i> or any other line to conduct electricity, or any part thereof 	felony	591
Obstruction/ Interference of electric lines	<p>Every person who</p> <ul style="list-style-type: none"> • unlawfully and maliciously <ul style="list-style-type: none"> - takes down, - removes, - injures, - interferes with, or - obstructs • an <i>electric line</i> or any part thereof that is erected or maintained by proper authority 	felony	593

Continued on next page

Landlord/Tenant Disputes, Continued

**Disruption
of utility
services**
(continued)

Unlawful Landlord Action	Crime Elements	Classification	<i>Penal Code Section</i>
Interfere with/obstruct gas lines	Every person who <ul style="list-style-type: none"> • wilfully and maliciously <ul style="list-style-type: none"> - breaks, - digs up, - obstructs, - interferes with, - removes or injures • any gas pipe or main or hazardous liquid pipeline or any part thereof 	felony	593c
Obstruction of water works	Every person who <ul style="list-style-type: none"> • wilfully: <ul style="list-style-type: none"> - breaks, - digs up, - obstructs, or - injures • any pipe or main for conducting water 	misdemeanor	624

NOTE: Even if the landlord has proper legal grounds for evicting a tenant, it is unlawful for the landlord to interrupt utility services in an attempt to force the tenant to vacate the premises.

Continued on next page

Landlord/Tenant Disputes, Continued

Eviction process

In order to evict a tenant, the landlord is required to give a three day pay or quit notice in writing. This notice demands that the tenant vacate the premises or come back into compliance with the rental agreement.

The notice must be delivered directly to the person or, if the person cannot be reached at home or at the place of business, a copy can be left with a person of suitable age at the residence. The notice can also be sent to the person through the U.S. mail.

A landlord may serve a tenant with an eviction notice when the:

- rent has not been paid by the tenant,
- tenant has violated the terms of the rental agreement (e.g., having a pet when not allowed, etc.), or
- tenant has stayed in the premises after the expiration of the rental contract period.

NOTE: Evictions for any other reason may require a 30 day notice.

Tenant, lodger, guest

A lodger is a roomer (and the only lodger) who has temporary possession of a dwelling unit with the owner, has unrestricted access to the entire unit and must be contracted for either room or room and board by providing something of value to the landlord for something of value, (i.e., mow the lawn, etc.).

Unlawful detainer

If the problem is not corrected after the three day time period, the landlord must file a civil lawsuit known as an **unlawful detainer**. The court must then decide if the tenant is to be evicted.

NOTE: The only legal advice that officers should give to either landlords or tenants involved in a dispute involving an eviction is to contact an attorney or seek other professional legal assistance.

Continued on next page

Landlord/Tenant Disputes, Continued

Reentry following a lawful eviction

Once a lawful eviction has taken place, a tenant cannot lawfully reenter the dwelling from which evicted. The following table further identifies the crime of unauthorized reentry after a lawful eviction.

Unlawful Tenant Action	Crime Elements	Classification	<i>Penal Code Section</i>
Reentering a dwelling after being evicted	Every person who <ul style="list-style-type: none"> • has been removed from any lands • by process of law, • and who afterwards, • unlawfully returns to settle, reside upon, or take possession of such lands 	misdemeanor	419

NOTE: During the time that the civil action (unlawful detainer) is under consideration by the court, the tenant cannot be prohibited entry to the dwelling.

Continued on next page

Landlord/Tenant Disputes, Continued

Examples

Example: An officer responded to a call involving a dispute between a landlord and tenant. The landlord was angry because the tenant painted all the rooms in the apartment black. The tenant claimed that the lease did not prohibit this and in fact stated that the tenant was responsible for any painting required inside the apartment. Since no criminal act took place, the officer used appropriate mediation and resolution techniques to calm the landlord and tenant and restore order.

Example: When a tenant came home after work she realized that someone had been in her apartment. She confronted her landlord and accused him of snooping around in her apartment. When the landlord denied the action, the tenant called the local law enforcement agency and demanded that the landlord be arrested. When officers arrived, it was determined that a maintenance man had entered in order to investigate the source of a water leak. Since no crime had been committed, the officer used appropriate mediation and resolution techniques to calm the landlord and tenant and restore order. The landlord agreed to require maintenance personnel to leave a note for tenants stating that they had entered and for what reason. The tenant apologized to the landlord for her accusations.

Continued on next page

Landlord/Tenant Disputes, Continued

Examples (continued)

Example: A tenant, who was two months late with his rent, returned home to find that the lock had been changed on the door to his apartment. The landlord left a note saying that the tenant would not receive a new key until the rent was paid in full. Law enforcement officers were called and officers explained to the landlord that his actions were unlawful. The landlord agreed to give the tenant a new key and to seek other lawful actions to obtain the back rent.

Non-example: Continuing the above Example: Instead of explaining the law to the landlord and encouraging him to resolve the dispute, the peace officers arrested the landlord and took him into custody, escalating the situation into a criminal matter.

Disputes Involving Repossession

[24.03.EO7, 24.03.EO8]

Introduction

Repossession is a civil matter between a seller and a buyer. If the buyer has signed a conditional sales contract to purchase goods over a period of time and does not live up to the terms of the contract, the seller can take back possession of, or *repossess* those goods.

Officer responsibilities

Peace officers normally do not become involved in a lawful repossession process other than to **keep the peace and restore order**. Generally, a notice and hearing are required before a seller can repossess property. It is *not* the responsibility of the officer to interpret a contract or to determine if there has been proper notice and hearing.

Peace officers may be called to a dispute involving a repossession by an individual who has a false impression that officers can be used as a “lever” on the other party involved. Officers must always guard against being placed in such a position.

Due process

Peace officers may not hinder or aid either party involved in a lawful repossession. Even an improper repossession, absent a criminal violation, is still a matter for civil action.

Because they are acting under the “color of state law,” they may not force the buyer to surrender property nor can they force a reposessor to return property that has been lawfully repossessed. Either action by the officer, without a specific court order, would violate one or the other person’s right to “due process” under the 14th Amendment of the U.S. Constitution.

Continued on next page

Disputes Involving Repossession, Continued

Involved parties

If officers are called to the scene of a dispute involving a repossession, they must determine the roles of the involved parties. The following table provides information regarding the primary parties of a repossession.

Party	Additional Information
Repossessor	Will usually have a: <ul style="list-style-type: none">- company identification,- private license,- copy of the contract, or- document describing the property to be repossessed.
Buyer	May be: <ul style="list-style-type: none">- the person who purchased the property (buyer),- the buyer's spouse, or- a third person in lawful possession of the property.

Continued on next page

Disputes Involving Repossession, Continued

Who may repossess

There are three groups of persons who may lawfully repossess property.

Group	Additional Information
Sellers	<ul style="list-style-type: none"> • Owner of the title to the property. • Includes full-time employees of the seller. Part-time employees may not be used for repossession purposes. (<i>Business and Professions Code 7522</i>) • Members of this group do not need a state license.
Banks or finance companies	<ul style="list-style-type: none"> • Purchased the debt from the seller. • Includes full-time employees of the bank or finance company. • Members of this group do not need a state license.
Private reposessor	<ul style="list-style-type: none"> • Required to: <ul style="list-style-type: none"> - have a state license. (<i>Business and Professions Code 7500-7511</i>) - post the license at the principal place of business. (<i>Business and Professions Code 7503.8</i>) - carry a pocket identification card with photo. (<i>Business and Professions Code 7503.10(d)</i>) • Any person who violates these provisions may be fined. (<i>Business and Professions Code 7508</i>)

Continued on next page

Disputes Involving Repossession, Continued

Complete possession

Officers may be called upon to verify if a repossession is legal. In order to have complete possession of property, the reposessor must have complete dominion and control over the property. This takes place when the reposessor has:

- gained entry to the property, or
- when the property (if a vehicle) has been hooked up to a tow truck.

The property *does not* have to actually be removed from the buyer's property before the repossession is complete. If the reposessor *does not have complete possession* and the buyer objects, the property cannot be taken.

NOTE: Local policies and practices may differ regarding a reposessor entering enclosed areas other than private buildings or structures to recover property (e.g., a reposessor entering a fenced yard to recover patio furniture).

NOTE: Repossessors may go onto private property but they cannot go into any area that is secured.

Third party rights

When the buyer has given a third person permission to use the property or maintain possession, then that person stands in for the buyer.

This third person may exercise the same rights and privileges as the buyer against the reposessor.

Repossessions cannot take place if the property, when discovered, is "in the possession of a bailor," meaning in a commercial parking lot where an attendant is on duty or in a check stand. The bailor has and keeps possession rights until redeemed by the buyer.

Continued on next page

Disputes Involving Repossession, Continued

Personal items

Even when a repossession is complete, the buyer has the right to retain, remove, or later claim personal items from within the property that is being repossessed (e.g., clothing, tools, etc., from the trunk of the car).

The buyer cannot remove any property that is fixed or an integral part of the property being repossessed, even if the item was purchased separately (e.g., radios).

Law enforcement notification

Whenever repossession is taken of any vehicle, or other property which is subject to registration by the Department of Motor Vehicles, the reposessor is required to notify local law enforcement agencies of the repossession. Notification must be made by the most expeditious means available.

Repossessors must also notify the law enforcement agency *in writing* within 24 hours after the repossession.

Continued on next page

Disputes Involving Repossession, Continued

Related crimes

Occasionally, officers may have to take law enforcement action if a crime is committed in their presence during a dispute involving repossession.

Peace officers must bear in mind that *specific intent* may be required for a number of crimes to be complete. If the *specific intent* to commit an unlawful act is not present, no crime has taken place.

The following table identifies the crimes that are most commonly related to repossession disputes.

Crimes Arising at Repossession Disputes	Classification	<i>Penal Code Section</i>
Vandalism	misdemeanor or felony	594
Assault	misdemeanor	240
Assault with a deadly weapon	felony	245
Battery	misdemeanor	242
Disturbing the peace	misdemeanor	415
Drawing, exhibiting, or unlawful use of a weapon	misdemeanor	417
Impersonating a peace officer	misdemeanor	146

Peace officers should always remember that vehicles can be a very personal possession. Losing it may evoke highly emotional and volatile disputes.

NOTE: Occasionally reposseors will break a lock on a garage or building to gain entry to repossess an item. In such cases, there is no specific intent to commit a felony. Their actions do not complete the crime of forcible entry.

Continued on next page

Disputes Involving Repossession, Continued

Stolen property reports

Buyers may, intentionally or unintentionally, report property that has been repossessed as being stolen. If officers suspect that this might be the case they should:

- inquire as to who owns the title to the property,
- determine whether the buyer is delinquent in payments, and
- determine whether the item is on the list of repossessed items on file with their law enforcement agency.

If an officer reasonably concludes that the property has been repossessed, the complainant should be referred to the title holder.

Examples

Example:

A reposessor located the vehicle he was to repossess in a grocery store parking lot. After the vehicle was hooked up to the tow truck, the owner of the vehicle came out and objected to the repossession. A passing law enforcement officer noticed the commotion and stopped to investigate. The officer determined that the reposessor was legitimate and that he had complete and lawful possession of the vehicle. The officer remained at the scene in order to calm the owner as the reposessor left with the vehicle in tow.

Continued on next page

Disputes Involving Repossession, Continued

Examples (continued)

Example:

Officers were called to the scene where a woman reported a prowler on her property. When officers arrived, they found a man attempting to open the woman's garage. The man identified himself as a reposessor who was there to repossess a motorcycle belonging to the woman's son. The woman refused to allow the man access to her garage where the motorcycle was being stored. She demanded that the man leave her property. Since the man had not entered the garage he did not have complete possession of the motorcycle. The man left the scene. No crime was committed because there was no specific intent to unlawfully enter the structure or to steal the motorcycle.

Chapter Synopsis

Learning need Peace officers must be aware of the nature of certain types of disputes, as well as the laws that pertain to each type in order to take the appropriate measures to resolve the dispute.

Officer safety and family disputes
[24.03.EO1] Peace officers must regard every family dispute as a potentially explosive and dangerous situation. By the time officers are called, emotions are high and the heat of the disturbance may be at its most dangerous level.

Tenant lockout/seizure of property
[24.03.EO2] Occasionally, when a tenant is behind in the rent, the landlord may attempt to jam the entrance or change the lock on the door in order to prevent the tenant's further use of the dwelling or seize property belonging to the tenant until the rent is paid.

Vandalism
[24.03.EO3] It is also unlawful for a landlord to remove the doors and/or windows to the tenant's dwelling or destroy the tenant's personal property in an effort to harass the tenant.

Unauthorized entry
[24.03.EO4] If a landlord enters a tenant's dwelling without prior permission in order to harass the tenant or to "snoop around," the landlord has committed the crime of unauthorized entry (trespass).

Disruption of utility services
[24.03.EO5] Landlords are not allowed to disrupt or disconnect one or more of the tenant's utilities as a means of forcing the payment of past rent.

Continued on next page

Chapter Synopsis, Continued

Reentry following a lawful eviction
[24.03.EO6]

Once a lawful eviction has taken place, a tenant cannot lawfully reenter the dwelling from which that person has been evicted.

Officer responsibilities during a repossession
[24.03.EO7]

Peace officers normally do not become involved in a lawful repossession process other than to **keep the peace and restore order**. It is *not* the responsibility of the officer to interpret a contract or to determine if there has been proper notice and hearing.

Complete possession
[24.03.EO8]

In order to have complete possession of property, the reposessor must have complete dominion and control over the property. This takes place when the possessor has gained entry to the property, or when the property (if a vehicle) has been hooked up to a tow truck.

Workbook Learning Activities

Introduction

To help you review and apply the material covered in this chapter, a selection of learning activities has been included. No answers are provided. However, by referring to the appropriate text, you should be able to prepare a response.

Activity questions

1. In your own words, describe some officer safety issues related to dealing with a family dispute. What are the dangers to officer safety in a dispute involving the repossession of a person's vehicle?

2. As a matter of safety, officers should assess the existence of current or potential violence when they enter an area where a dispute is occurring or has taken place. What signs might be evident at the scene of a family dispute?

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions
(continued)**

3. How would the problem solving mediation process differ when officers are called upon to handle a dispute involving a landlord and tenant as opposed to a family dispute? How would it be similar? Is there any difference in the safety precautions an officer should take? Explain the reasoning for your answers.

4. You are called to the scene of a dispute between a landlord and two tenants. When you arrive, you find the furniture and personal items of the tenants have been placed in the front yard outside of the apartment building. The tenants claim that the landlord “threw them out” because he did not approve of their lifestyle. The landlord claims he has grown tired of all the excuses the tenants have given him for not paying their rent. How do you proceed? What actions should you take as a law enforcement officer?

Continued on next page

Chapter 4

Crowd Dynamics

Overview

Learning need Peace officers must have a clear understanding of the individual’s rights and protections regarding free speech and assembly, along with the dynamics of the types of crowds that may form for the purpose of exercising those rights.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to:	E.O. Code
<ul style="list-style-type: none">• explain peace officer responsibilities regarding the protection of an individual’s right to free speech and assembly.	24.04.EO1
<ul style="list-style-type: none">• discuss the role of law enforcement regarding crowd control.	24.04.EO2
<ul style="list-style-type: none">• describe psychological factors associated with crowd behavior.	24.04.EO3
<ul style="list-style-type: none">• discuss the phases of crowd development from a casual gathering through the development of a riot.	24.04.EO4
<ul style="list-style-type: none">• discuss the three primary roles individuals play within a crowd.	24.04.EO5

Continued on next page

Overview, Continued

In this chapter This chapter focuses on the background information regarding an individual's right to free speech and the makeup and dynamics of crowds that form to exercise that right. Refer to the chart below for specific topics.

Topic	See Page
The Freedom of Speech	4-3
Crowd Dynamics	4-7
Chapter Synopsis	4-16
Workbook Learning Activities	4-17

The Freedom of Speech

[24.04.EO1, 24.04.EO2]

Introduction

In the United States all people have the right of free speech and free assembly. Law enforcement officers must recognize these rights and actively protect persons who are lawfully exercising them.

Constitutional protections

The First Amendment of the U.S. Constitution states:

“Congress shall make no laws respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the **freedom of speech**, or of the press; or the **right of the people to assemble**, and to petition the government for a redress of grievances.”

Article I, Section 3 of the California Constitution states:

“The people have the right to instruct their representatives, petition government for redress of grievances, and **assemble freely** to consult for the common good.”

Lawful activities

Both the U.S. and California Constitutions guarantee all forms of lawful informational and demonstration activities (e.g., rallies, marches, picketing, leafleting, etc.).

The protections regarding the freedom of speech under both Constitutions also apply to conduct used to communicate ideas (e.g., skits, dance, pantomime, etc.).

The government cannot prohibit these lawful activities or regulate them in any way that will prevent meaningful and effective communication other than to impose reasonable restrictions on time, location, and manner of such activities.

Continued on next page

The Freedom of Speech, Continued

Scope of restrictions

The scope of governmental restrictions related to the peoples' right to free speech and assembly increases as the conduct of those exercising their rights goes beyond speech itself.

For example, there may be few regulations restricting a person who is passing out leaflets in a public area and who is not impeding the normal flow of pedestrians.

The government may impose greater restrictions on an activity that involves trespassing on private property, blocking free passage on a public sidewalk, a public highway, or attempting to prevent others from doing their jobs.

Individual responsibilities

The rights all people have to march, demonstrate, protest, or to perform any other First Amendment activity comes with the responsibility to *not* abuse or violate the civil and property rights of others. Under no condition does the right to free speech and assembly include a right to cause injury to others or damage property.

Continued on next page

The Freedom of Speech, Continued

Role of law enforcement

It is the responsibility of all law enforcement officers to protect and uphold each individual's right to free speech and assembly while also protecting the lives and property of all people.

Decisions regarding enforcement actions are usually taken by senior officers. Such decisions strike a balance between protecting constitutional rights and enforcing statutes and local laws.

When dealing with crowds, the role of law enforcement includes:

- protection of individual constitutional rights,
- fair and impartial enforcement of the law,
- protection of life and property,
- protection of vital facilities,
- prosecution of violators,
- safety of the public and peace officers, and
- prevention of disruption to commerce and community affairs.

Continued on next page

The Freedom of Speech, Continued

Restoring order

If the actions of a group pass from lawful activities to unlawful activities, it is the responsibility of law enforcement to control those actions lawfully, efficiently, and with minimal impact upon the community.

If the use of force becomes necessary, only that force which is reasonable may be used to arrest/disperse violators and restore order.

Professional integrity

Peace officers must not allow personal or political opinions, attitudes, or religious views to affect their responsibility to protect an individual's right to free speech and assembly.

Officers must *not* be affected by:

- the content of the opinions being expressed,
 - race, gender, sexual orientation,
 - ethnic makeup,
 - physical disabilities,
 - appearances, or
 - affiliations.
-

Crowd Dynamics

[24.04.EO3, 24.04.EO4, 24.04.EO5]

Introduction

There are various types of behaviors associated with crowds. These behaviors can range from a peaceful assembly at a sporting event to an emotional demonstration that becomes a riot. The ability of peace officers to maintain and restore order may be highly dependent upon an understanding of the factors that make up crowd behavior.

Types of crowds

There are many different types of crowds that officers should be aware of:

Crowd Type	Description	Examples
Casual	<ul style="list-style-type: none">• A group of people who happen to be in the same place at the same time• Because there is no common bond, it would take substantial provocation to move this type of crowd toward a defiant act	<ul style="list-style-type: none">• Shoppers• Tourists
Cohesive	<ul style="list-style-type: none">• A group of people who are drawn to an area for a specific purpose	<ul style="list-style-type: none">• Spectators at a sporting event• Guests at a party or social event• Onlookers at a traffic collision or disaster site• Participants at a community celebration

Continued on next page

Crowd Dynamics, Continued

Types of crowds
(continued)

Crowd Type	Description	Examples
Expressive	<ul style="list-style-type: none">• A group of people with a unity of purpose• May know or closely identify with each other• May have an internal command structure (leaders)• Usually well organized	<ul style="list-style-type: none">• Protestors• Delegates at a political event• Picketers at a labor dispute
Demonstrative	<ul style="list-style-type: none">• A group of people who are very emotional, passionate, or aggressive regarding their purpose• Highly volatile and potentially dangerous• Easily provoked to unlawful actions	<ul style="list-style-type: none">• Protestors

Continued on next page

Crowd Dynamics, Continued

Group psychological factors

As crowds form, people within the crowd begin to lose individual characteristics and develop a group identity. The following table identifies a number of these behaviors associated with group behavior phenomena.

Psychological Factors	Additional Information
Group identity	<ul style="list-style-type: none">• Established quickly• May be established informally or formally (e.g., membership in same organization such as a labor union)• Can be very intense due to the emotions generated by the crowd• Can be short lived• Frequently an emotional bond rather than an intellectual bond
Group cohesiveness	<ul style="list-style-type: none">• Development of a stronger identity (“Us” versus “Them” syndrome)• Strong, often intense emotional bonding as individuals identify with the goals of the group• Highly protective of members against “outside” influences or attacks• Tendency for groups to act as one
Group-induced anonymity	<ul style="list-style-type: none">• Loss of personal or individual identity• Sense of protection in the large number of “faceless individuals”• Individuals may act out in a manner that is not consistent with their normal behavior outside the group

Continued on next page

Crowd Dynamics, Continued

**Group
psychological
factors**
(continued)

Psychological Factors	Additional Information
Group potentiality for violence	<ul style="list-style-type: none"> • Potential for violence increases as the size of the group increases • Violence is often spontaneous • Emotional responses of large groups often become heated and result in violence • Violence can be undirected, unfocused, or random
Group violence	<ul style="list-style-type: none"> • Violence becomes contagious • Violence may be precipitated by: <ul style="list-style-type: none"> - rumor, - stimulation by individuals intent on causing violence, or - law enforcement action(s) <p>NOTE: A nonviolent crowd with peaceful intentions can explode suddenly due to a highly emotional response to any type of stimulus.</p>

Continued on next page

Crowd Dynamics, Continued

Phases of crowd development

A crowd does not suddenly and spontaneously turn into a riot. Crowds develop in phases as people begin to gather. At each phase, the crowd may act differently and law enforcement actions and responses may have to be adjusted.

The following table identifies the phases of crowd development and the crowd actions associated with each.

Phase	Group Action
Grouping	<ul style="list-style-type: none">• Individuals come together.• Initial mingling takes place.
Interaction	<ul style="list-style-type: none">• Individuals begin to identify with the group and solidify.• Mass yelling begins to take place.
Volume	<ul style="list-style-type: none">• Mass of individuals becomes a crowd.• Noise volume increases (use of drums, bullhorns, yelling, music).• No unlawful acts have taken place.
Overt act	<ul style="list-style-type: none">• The point when unlawful/disruptive acts begin to take place.• Event may be minor and committed by a single individual.
Mimicking	<ul style="list-style-type: none">• Other members of the crowd copy the first offense (if no action was taken).• Onlookers may start to take a more aggressive role.• If allowed to go unchecked, a riot can begin.• Inappropriate overt actions by law enforcement officers may lead to panic and riot.

Continued on next page

Crowd Dynamics, Continued

Crowd composition

Within a crowd there are leaders, aggressors, and followers. The following table further identifies each.

Role	Additional Information
Riot	<ul style="list-style-type: none"> • Substantial portion of the crowd becomes involved in unlawful acts. • Law enforcement actions must be taken that are in proportion to the activities of the crowd.
Leaders	<ul style="list-style-type: none"> • Make up approximately 10% of the total group • Usually located near the rear and sides of the group • May try to incite or copy overt acts started by others • Can be organized • May direct or feed information to the aggressors
Aggressors	<ul style="list-style-type: none"> • Make up approximately 10% of the total group • Usually near the front of the crowd (near law enforcement and/or media) • Often seen or heard more than the leaders • Often need or receive direction from the leader(s) • Thrive on confrontation • Often attempt to provoke a response from law enforcement
Followers/ onlookers	<ul style="list-style-type: none"> • Make up approximately 80% of the total group • Located between the leaders and aggressors • Primary involvement is out of curiosity or passive support • Need direction and leadership (except during highly emotional situations) • Subject to mood swings brought on by actions or reactions of others (e.g., leaders, law enforcement) • Usually nonconfrontational with law enforcement • Usually react the quickest to law enforcement tactics

Continued on next page

Crowd Dynamics, Continued

Crowd composition (continued)

Role	Additional Information
Legal observers	<ul style="list-style-type: none">• Make up a small percentage of the crowd• Usually spread throughout.• They observe, document and behave• Video tape peace officer behavior and conduct for potential civil litigation.
Anarchist	<ul style="list-style-type: none">• May or may not be in attendance• Tend to be very organized• Make a small percentage of protest group• Not affiliated with the group protesting.• Primary intent is to cause anarchy• Tend to be very violent
Additional crowd composition	<ul style="list-style-type: none">• Crowd sometimes have additional groups in attendance other than those listed in the table above

Civil disobedience

Civil disobedience is an *unlawful* event involving a planned or spontaneous demonstration by a group or groups of people.

Historical perspective

Acts of civil disobedience have played a primary role in the history of the United States. The Boston tea party was an unlawful planned event conducted to protest the British Stamp Act of 1773. The American Revolutionary War can also be looked at as an act of civil disobedience.

Continued to next page

Crowd Dynamics, Continued

California perspective

Numerous acts of civil disobedience have taken place within California. The following table describes a number of these events in the last four decades.

Decade	Location	Rationale for Disturbance
1960's	Watts	Civil rights and race relations
	Berkeley People's Park	Viet Nam War
1970's	Isla Vista	Corporate involvement with war in Viet Nam
	Los Angeles	Shah of Iran
	Walnut Creek	Nazi rallies
1980's	Berkeley	Apartheid in South Africa
	San Francisco	Democratic National Convention
	Los Angeles	Operation Rescue; Animal Rights
1990's	San Francisco	Gulf War
	Los Angeles	Rodney King verdict
	Eureka	Deforestation
	Davis	Animal rights
2000's	Statewide	Immigration
	Los Angeles	Lakers

Continued on next page

Crowd Dynamics, Continued

Changing tactics

Law enforcement tactics used to control crowds engaged in civil disobedience have changed based on the lessons learned from the past.

The majority of tactics used in the '60's and '70's for crowd control have been modified. Decisions to use these tactics often brought on escalation of the emotions and violence of the event and created negative images associated with law enforcement.

Law enforcement perspective

Not all crowd situations involve civil disobedience. Law enforcement's responsibility is to objectively discern at what juncture a demonstration leaves the realm of legal protest and becomes an abridgement of the rights of others.

Chapter Synopsis

Learning need	Peace officers must have a clear understanding of the individual's rights and protections regarding free speech and assembly, along with the dynamics of the types of crowds that may form for the purpose of exercising those rights.
Free speech and assembly [24.04.EO1, 24.04.EO2]	It is the responsibility of all law enforcement officers to protect and uphold each individual's rights to free speech and assembly while also protecting the lives and property of all people.
Group psychological factors [24.04.EO3]	As crowds form, people within the crowd begin to lose individual characteristics and develop a group identity.
Phases of crowd development [24.04.EO4]	A crowd does not suddenly and spontaneously turn into a riot. Crowds develop in phases as people begin to gather. At each phase, the crowd may act differently.
Crowd composition [24.04.EO5]	Individuals play three primary positions, leaders, aggressor, other forms of participant, and followers onlooking within a crowd.

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

3. Have you ever played the role of leader, aggressor, follower or onlooker within a crowd? Describe your role.

4. List at least three acts of civil disobedience that have taken place in the United States or elsewhere in the world within the last year.
-

Chapter 5

Crowd Management and Control

Overview

Learning need Peace officers need to understand the tactical principles involved in the management and control of crowds in order to ensure the protection of the First Amendment rights of the crowd, and the safety of the entire community.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to:	E.O. Code
<ul style="list-style-type: none">• describe the phases of riot development.	24.05.EO5
<ul style="list-style-type: none">• explain the primary law enforcement objective of:<ul style="list-style-type: none">- crowd management- crowd control- riot control	24.05.EO10 24.05.EO11 24.05.EO12
<ul style="list-style-type: none">• Apply common riot control formations used by law enforcement:<ul style="list-style-type: none">- skirmish line- wedge/vee- diagonal- column- arrest/rescue formations (e.g., circle)	24.05.EO13

Continued on next page

Overview, Continued

In this chapter This chapter focuses on law enforcement actions related to the management and control of crowds. Refer to the chart below for specific topics.

Topic	See Page
Phases of Riot Development	5-3
Crowd Management	5-6
Crowd Control	5-10
Riot Control	5-16
Crowd Control Formations	5-24
Chapter Synopsis	5-30
Workbook Learning Activities	5-31

Phases of Riot Development

[24.05.EO5]

Introduction

There are several phases that crowds of individuals must go through before becoming a riot.

Phases of riot development

The following table identifies the phases involved in the development of a riot along with possible law enforcement actions at each phase.

Phase	Group Action	Possible Law Enforcement Response
Grouping	<ul style="list-style-type: none">• Individuals come together.• Initial mingling takes place.	<ul style="list-style-type: none">• Initial staging of resources and personnel
Interaction	<ul style="list-style-type: none">• Individuals begin to identify with the group and solidify.• Mass yelling begins to take place.	<ul style="list-style-type: none">• Law enforcement presence located in view of the crowd
Volume	<ul style="list-style-type: none">• Mass of individuals becomes a crowd• Noise volume increases (use of drums, bullhorns, yelling, music).• No unlawful acts have taken place.	<ul style="list-style-type: none">• Officers on alert and deployed in tactical positions

Continued on next page

Phases of Riot Development, Continued

Phases
of riot
development
(continued)

Phase	Group Action	Possible Law Enforcement Response
Overt act	<ul style="list-style-type: none"> • The point when a defiant, unlawful act takes place. • Events may be minor and committed by a single individual. • Acts may be a simple infraction or misdemeanor. • If the act is allowed to go unchecked, mimicking begins. 	<ul style="list-style-type: none"> • Officers watch for overt acts • Immediate enforcement actions take place <p>NOTE: If the overt act is allowed to go unchecked, the crowd can quickly move into the next phase.</p>
Mimicking	<ul style="list-style-type: none"> • Other members of the crowd copy the first offense (if no action was taken). • Onlookers may start to take a more aggressive role. • If allowed to go unchecked, a riot can begin. • Inappropriate overt actions by law enforcement officers may lead to panic and riot. 	<ul style="list-style-type: none"> • Aggressive enforcement action against violators continues. • Crowd may revert back to the previous phase. • Individual and unit discipline are critical. • Overly aggressive law enforcement actions excite the crowd further.

Continued on next page

Phases of Riot Development, Continued

**Phases
of riot
development**
(continued)

Phase	Group Action	Possible Law Enforcement Response
Riot	<ul style="list-style-type: none">• Substantial portion of the crowd becomes involved in unlawful acts.• Law enforcement actions must be taken that are in proportion to the activities of the crowd.	<ul style="list-style-type: none">• Actions are increased and expanded in proportion to the activities of the crowd to restore order.

Crowd Management

[24.04.EO10]

Introduction

A public assembly, even when lawful, may require the response of law enforcement. This response can range from observation to the application of crowd control strategies.

Crowd management

Crowd management refers to the techniques used by peace officers in response to a known event, activity, or occurrence. In situations involving crowd management, law enforcement agencies have the ability to assist in the planning, coordination, and management of the event.

Events which may require law enforcement involvement in crowd management include, but are not limited to:

- First Amendment demonstrations and activities,
 - parades,
 - cultural programs,
 - musical concerts,
 - religious gatherings,
 - community activities, or
 - sporting events.
-

Law enforcement objective

The main objective of crowd management is to ensure that the event *remains lawful* while providing for the protection of the First Amendment rights of all people.

Principles of crowd management

There are two primary principles involved in crowd management.

- Incident planning
 - Crowd containment
-

Continued on next page

Crowd Management, Continued

Incident planning

Numerous crowd management strategies may be employed in order to meet the law enforcement objective. Whenever possible, development of these strategies should begin long before the event takes place. Strategies can include, but are not limited to:

- coordination of incident planning and preparation with event promoters,
 - development of a unified and streamlined chain-of-command,
 - involvement of community stakeholders (i.e., persons who have a legal, economic, or community interest in the event),
 - deployment of sufficient numbers of officers and public safety personnel,
 - ensuring law enforcement personnel have proper and sufficient equipment,
 - establishment of the rules of conduct for the crowd, law enforcement officers, the media, etc.,
 - development of a quick, effective response to violence or law violations,
 - planning for mass arrests,
 - the permit process, and/or
 - construct a written plan that contains, the Incident Command System, (ICS), State Emergency Management System (SEMS) and the National Incident Management System (NIMS).
-

Information sources

The more information law enforcement agencies have regarding an event or planned demonstration, the better that agency can prepare to manage the crowds associated with the event.

Information may be gathered from:

- attendance at meetings,
 - group representatives,
 - flyers,
 - informants,
 - graffiti, or
 - Internet.
-

Continued on next page

Crowd Management, Continued

Types of information required

There are numerous types of information that a law enforcement agency can use when planning for an event involving a crowd. These include, but are not limited to the following.

- Type of event (e.g., protest demonstration, community celebration, etc.)
 - Location and the structures involved (e.g., open park, a public street, a convention center, a sports arena, etc.)
 - Number of expected participants
 - Emotional mood or makeup of the crowd (e.g., angry, passionate, celebratory, etc.)
 - Nearby areas that may require special attention (e.g., access to hospitals, schools, etc.)
 - Requirements for parking, water, food, sanitary facilities, etc.
 - Access to and from the area
-

Containment

In most situations, once the group has been established, it is easier to contain them in a given area than it is to move them.

A perimeter should be established to contain the crowd when possible. This perimeter must be both controllable and flexible. Officers should control both the ingress (entry) and egress (exit) of the crowd within the perimeter.

Continued on next page

Crowd Management, Continued

Law enforcement presence

In a crowd management situation, law enforcement presence is a *preventive* measure and should remain low profile.

The presence of uniformed officers who display a command presence is often an adequate deterrent to any unlawful activities. It is preferable for the crowd to remain focused on the event itself rather than on officer actions at the event.

Peace officer conduct

An otherwise peaceful group can become enraged by inappropriate officer conduct such as individual officers engaging in verbal disputes with members of the crowd or by officers showing contempt for the crowd or its beliefs.

Officers must always remain *impartial and professional*. It is their role to protect the rights of the group while enforcing the law. Each officer must be aware of and comply with established rules of conduct as they apply to:

- officer actions,
 - actions of the participants in the event, and
 - members of the media who may be covering the event.
-

Agency policies

Peace officers must be aware of and comply with their own agency policies and procedures regarding officer conduct and crowd management situations.

Crowd Control

[24.05.EO11]

Introduction

There are countless reasons why people gather in large groups. They may gather in small spontaneous groups out of curiosity or in large crowds that form at a predetermined location out of a common cause. Either type of gathering can be passive or hostile, or a mixture of both.

Crowd control

Crowd control refers to the techniques used by peace officers in response to either a preplanned or spontaneous event, activity, or occurrence where there is a *potential or imminent threat of violence*. The constitutional rights of the individuals within the crowd must be weighed against the rights of the public to carry on business.

Law enforcement objective

The law enforcement objective for controlling a crowd, where there is a potential or imminent threat of violence, is to control the situation and prevent violations of the law without infringing on the groups' First Amendment rights of free speech and assembly.

Potential for violence

Certain events, even though preplanned, have a higher potential for violence or violations of the law. Often groups will gather to protest real or perceived infringements on the rights of that group. The emotions and reactions of the crowd must be carefully monitored during such events to provide as much lead time as possible for an appropriate law enforcement response.

Continued on next page

Crowd Control, Continued

**Potential
for
violence**
(continued)

Events with a higher level of potential violence may include demonstrations involving:

- labor disputes,
- prolife/prochoice protests,
- environmental issues, or
- highly charged political or economic issues.

There are a number of types of events which draw large crowds and are normally peaceful but which also have a potential for problems. Examples include:

- concerts,
 - sporting events, or
 - holiday celebrations (e.g., New Year's Eve, Fourth of July, etc.).
-

Continued on next page

Crowd Control, Continued

Initial response

Peace officers encountering a crowd where there is a potential or imminent threat of violence must appraise the situation carefully. Factors that should be considered include the:

- emotional complexion of the group.
 - presence of bystanders or opposing groups.
 - potential for violence.
 - resources and tactical ability of officers at the time.
-

Continued monitoring

Crowd situations should be continually monitored by peace officers to assess the crowd control situation. If necessary, officers should be prepared to advise their supervisor or agency of the crowd's status.

Officers should report any changes in the status of the crowd or the event so that those who are in command can modify any proposed course of action based on those changes.

Example

Example: Officers are assigned to perimeter duty. They see a bus arrive with additional protestors and/or equipment. An officer calls into the command post and reports his/her observations. This allows for possible realignment of additional officers or equipment.

Continued on next page

Crowd Control, Continued

Control principles

Officer actions are based on the group's First Amendment rights weighed against the rights and safety of the entire community and the protection of property. If possible, the same basic tactics used in crowd management situations should be applied in a situation involving crowd control. Any plan of action should be flexible and adjusted according to the situation.

Additional control tactics may also apply. The following table further identifies tactical measures involved in crowd control.

Control Principle	Additional Information
Isolation and containment	<ul style="list-style-type: none">• A perimeter should be identified to contain the crowd.• If necessary, the limits of the area may be marked by the placement of barricades or placement of additional officers. <p>NOTE: In situations that involve potential violence, officers should maintain the integrity of squads or platoons they are assigned to and avoid becoming isolated.</p>
Law enforcement presence	<ul style="list-style-type: none">• Tensions can sometimes be reduced by the crowd's knowledge that a substantial law enforcement presence is nearby.

Continued on next page

Crowd Control, Continued

Control principles (continued)

Control Principle	Additional Information
Selective arrests	<ul style="list-style-type: none">• Unlawful acts that are not openly violent may be controlled by individual or multiple arrests of the specific individuals involved.• If the only unlawful act is the unlawful assembly, the crowd should be given the opportunity to disperse voluntarily before any arrests take place.• There must be sufficient personnel deployed at the scene to make arrests and ensure proper control.• Individual officers attempting to handle a situation alone may be placing themselves and others in danger and also further inciting the crowd. <p>NOTE: Additional information regarding dispersal orders is provided in later portions of this chapter.</p>

Media coverage

Representatives and equipment of the news media are likely to be present at any event that is considered controversial or has the potential for violence. Law enforcement actions can often be a key target for media attention in these situations.

In addition to the formal news coverage, individual members of the crowd may have cameras or video recorders. People may be assigned by event leaders and coordinators to photograph or video tape the officers who are present and their actions. Officers should assume they are on camera and are being recorded at all times.

Continued on next page

Crowd Control, Continued

Media coverage
(continued)

Officers, unless assigned, should refrain from making comments or statements to the news media.

Peace officer conduct

As in all contacts with the public, the conduct of each law enforcement officer in a crowd management situation must be *professional and legal*. Individuals within the group may view law enforcement presence as an infringement or threat. Officers must remain calm and unbiased while at the same time remaining firm.

If any peace officer is not absolutely clear on what the law enforcement objective of the mission is or what his or her individual duties are, it is that officer's responsibility to contact a supervisor to obtain clarification.

Agency policies

Peace officers must be aware of and comply with their own agency policies and procedures regarding officer conduct and crowd control situations.

Riot Control

[24.05.EO12]

Introduction

Most large gatherings of people remain well behaved and law abiding. A crowd that gathers in support of, or in opposition to, some type of controversial or emotional theme may be more likely to evolve into an unruly demonstration. If the actions of the crowd escalate to the use of force or violence against people or property, the assembly becomes a **riot**.

Riot control

Riot control refers to the techniques used by peace officers in response to an escalation of crowd violence where reasonable force may be necessary to prevent additional violence, injuries, death, or the destruction of property.

Riot situations

There are two types of riot situations.

Type	Examples
Fixed	<ul style="list-style-type: none">• Open areas• Enclosed areas• Intersections• Buildings
Mobile	<ul style="list-style-type: none">• A large crowd with small groups splintering off• Small groups looting or causing damage or destruction• Rioters on buildings throwing objects or firing at officers

Continued on next page

Riot Control, Continued

Law enforcement objective

The First Amendment does not give individuals the right to break the law.

The objectives of law enforcement change once a crowd moves from exercising the right of free speech to criminal actions involving the rights of the public and violence against people or property. Under such conditions, the objectives of law enforcement become the protection of lives and property, and the restoration of order.

Principles of riot control

There are four primary principles of riot control.

- Containment
 - Isolation
 - Dispersal
 - Restoration of order
-

Incident planning

Law enforcement agencies do not necessarily plan on a riot erupting from every crowd situation. But certain gatherings, based on the nature of the gathering or the group(s) involved, may be more prone to involve unlawful acts and violence.

Riot control is generally a contingency plan that is part of a well prepared *crowd management* plan.

By planning for this possibility, agencies will have identified:

- specific operational tactics,
 - additional resources, equipment, and personnel that may be required,
 - assignments of specific tasks,
 - policies and procedures for mounting a quick, effective response to violence or violations of the law, and
 - guidelines regarding the use of less deadly force, including chemical agents, batons, etc.
-

Continued on next page

Riot Control, Continued

Additional riot control principles

The highly volatile nature of a violent crowd requires flexibility in thought and planned actions. Officer actions must be based on issues of officer safety, safety of the community, and protection of property.

The following table identifies tactical measures involved in riot control.

Riot Control Principles	Additional Information
Containment	<ul style="list-style-type: none">• Establish controllable and flexible perimeters to contain the crowd.• Control ingress and egress, denying access and preventing others from joining the existing crowd.
Isolation	<ul style="list-style-type: none">• Develop an inner perimeter to create a buffer zone between the inner and outer perimeters.• Provide a means to identify intruders or unauthorized persons within the outer perimeter.• Serve as an operating zone for officers, if necessary.• Allow officers to focus their enforcement capabilities.• May make rioters feel vulnerable and more likely to disperse.
Dispersal	<ul style="list-style-type: none">• Can begin once the:<ul style="list-style-type: none">- inner and outer perimeters have been established,- control forces are in position to support crowd movement, and- ingress and egress are controlled.
Restoration of order	<ul style="list-style-type: none">• arrest• detention• transportation• cite and release• criminal investigation

Continued on next page

Riot Control, Continued

Dispersal orders

Penal Code Section 726 establishes the authority to issue a dispersal order “in the name of the people of the state.”

The intent of a dispersal order is to permanently disperse a crowd, not merely relocate the problem. When a dispersal order is given, it should be made clear that the crowd is expected to immediately leave the area.

The dispersal order must be given in a manner so that it can be heard and understood by the intended audience. Based upon the circumstances, law enforcement command officers may need to:

- issue multiple announcements from various locations,
- use amplified sound,
- issue the orders in languages that are appropriate for the audience,
- position officers to the rear of the crowd to confirm and document that the order could be heard, or
- use video or audio for documentation purposes.

Continued on next page

Riot Control, Continued

Peace officer actions regarding dispersal

Throughout the dispersal process peace officers **MUST** remain patient, observant, alert, and cautious. The following table identifies officer actions when dispersing a crowd.

Action	Additional Information
Provide instructions	<ul style="list-style-type: none">• Provide clear, simple directions and instructions to avoid confusion.• Provide appropriate time for the size of the crowd to comply with instructions.
Control dispersal routes	<ul style="list-style-type: none">• Identify routes for exiting.• Larger crowds may be divided into sections and one section cleared at a time to maintain control.• Do not “box in,” “press,” or “force” a crowd to move too fast to prevent panic or violent resistance.• Immediately cut off any attempt to evade the inner perimeter or to escape via an unauthorized route.
“Shrink” inner perimeter	<ul style="list-style-type: none">• As the crowd disperses, the size of the inner perimeter can be reduced.• Following the clearing of a section, it must be patrolled by sufficient personnel to prevent any return of rioters and the resumption of unlawful activity.

Continued on next page

Riot Control, Continued

Violent resistance or confrontation

When dealing with crowds and civil disobedience situations, peace officers must work together as a professional, disciplined and well organized control force. Officers who face rioters on the line must be prepared to face possible violent resistance or confrontation. Such acts should be dealt with quickly and efficiently without excessive force or overreaction.

Reasonable force is used to prevent escalation of violence and to overcome resistance to a lawful process. The decision to use force and the force options that may be applied in response to riot control incidents should be based on the type and amount of resistance encountered.

Peace officers must be familiar with their agency policies and procedures regarding riot control. Officers who violate these policies and procedures are liable for civil and criminal penalties.

Arrest teams

A large number of arrests often take place during law enforcement actions related to control of a riot. Arrests may be made for the failure to disperse once a dispersal order has been given or for specific crimes committed.

Multiple arrests are often handled by arrest teams (designated arrest officers) that are prepared and equipped to take custody of numerous persons. Arrest teams are usually made up of:

- a team leader,
 - arresting officers (of both sexes to allow for person searches), and
 - cover officers.
-

Continued on next page

Riot Control, Continued

Preplanning for multiple arrests

The most successful law enforcement strategy for dealing with mass arrests and bookings are proper planning, training, and comprehensive briefings of the involved officers.

Mass arrests procedures used must be flexible enough to handle challenges confronting officers in the field. Issues to be considered as part of preplanning for crowd management include, but are not limited to:

- safe location for the command post,
- use of multiple handcuffs, flex cuffs, and gloves,
- use of prepared arrest packets,
- establishing a location for a secure booking and holding area,
- transportation from the demonstration area to the booking area,
- maintaining continuity and accountability of arrestees from the arrest site through the booking process,
- prisoner custody and security,
- first aid and chemical agent decontamination, if necessary,
- procedures for citation and release or transport to jail, and
- videographer/photographer for the arrest team.

Continued on next page

Riot Control, Continued

Crimes related to crowds and riots

The following table identifies a number of crimes related to crowds and riots.

Criminal Action	Penal Code Section
Disturbing the peace	415
Malicious mischief	594
Trespass on enumerated lands	602J
Participating in an unlawful assembly	407 and 408
Obstructing individual from entering or exiting health care facility, place of worship, or school	602.11
Resisting officers who are performing official duties	69 and 148
Entering an area that has been closed by law enforcement officers	409.5
Impeding officers at the scene of a disaster	402
Disobedience to a dispersal order	409
Refusal or failure to disperse on command	416
Requirement to arrest persons who do not immediately disperse	727
Participation in a <u>riot</u>	406 and 408
Incitement to riot	404.6
Participation in a riot	404 and 405
Advocating to kill or injure a peace officer	151(a)
Lynching	146

Crowd Control Formations

[24.05.EO13]

Introduction

The use of squad formations can offer a practical and reliable method of delivering a tactical response to control crowds and riots. The appearance of a competent, professional, well organized, and disciplined contingent of law enforcement officers will frequently cause a disorderly group to become disheartened and cease disruptive or unlawful activities in the presence of these officers.

Teamwork

The basic element of crowd control is the squad. Properly employed and effectively applied, squad formations represent one of the most practical methods of controlling crowds and riots as well as providing for officer safety.

Squad members working as a single unit, presenting a professional demeanor, and instant obedience to commands provides maximum impression. But, squad formations are effective only when ***all members operate as a team.***

Unit integrity is essential for the team. Each officer must maintain personal discipline. Independent actions of any one member can jeopardize the work of the team and place officers in danger.

Continued on next page

Crowd Control Formations, Continued

Team makeup

The number of officers within a squad can vary. Officers within each squad may further be broken down into teams. The following table identifies the different roles and responsibilities of the officers within a squad.

Role	Responsibilities
Squad Leader	<ul style="list-style-type: none">• Receives orders from the platoon leader or the tactical commander• Gives orders for assembly, formation, and movement of the squad• Gives assignments to team leaders or squad members
Point Officer	<ul style="list-style-type: none">• At the front and center of most formations• Usually has the first contact with the crowd• Takes a position where the squad leader directs• Other squad members base their positions depending on the position of the point officer• May also be the assistant squad leader
Team Leaders	<ul style="list-style-type: none">• Receive orders from the squad leader• Frequently in charge of and in possession of special weapons such as chemical agents or less than lethal weapons
Squad Members	<ul style="list-style-type: none">• The remainder of the squad• Receive orders from their team leader or the squad leader• May be assigned to carry and utilize special weapons and/or chemical agents• Support team members

Continued on next page

Crowd Control Formations, Continued

Formation selection

Selection of an appropriate formation to use in specific situations is typically made by the officer in charge. The nature of the crowd may be such that peace officers may have to assume responsibility for team response.

In selecting the appropriate formation, consideration must be given to such factors as, but not limited to, the:

- size, demeanor, attitude, and intent of the crowd,
 - surrounding terrain,
 - availability of dispersal routes,
 - objectives of the department,
 - number of officers,
 - training and experience of the officers, and
 - available equipment and resources.
-

Continued on next page

Crowd Control Formations, Continued

Types of formations

There are a number of basic squad formations that have been successfully used for years in every type of crowd or riot situation. Squad formations must be flexible so that they can be modified to meet the existing situations.

The following table identifies some of the most common squad formations used by law enforcement agencies.

Formation	Description/Use	Example
Column	<ul style="list-style-type: none"> • Officers line up one behind the other • Used to: <ul style="list-style-type: none"> - move a squad from one location to another, - divide a crowd, or - lead into other formations • Maintains discipline en route to the location • Promotes confidence of individual squad members • Easy to maintain • Appearance can be intimidating to the crowd 	<p style="text-align: center;">○</p> <p style="text-align: center;">○</p> <p style="text-align: center;">○</p> <p style="text-align: center;">○</p> <p style="text-align: center;">○</p> <p style="text-align: center;">○</p> <p style="text-align: center;">○</p>

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Crowd Control Formations, Continued

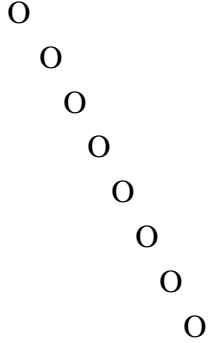
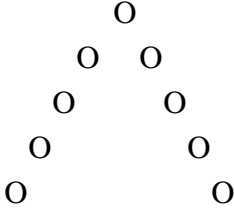
Types of formations
(continued)

Formation	Description/Use	Example
Skirmish Line	<ul style="list-style-type: none"> • Aligns officers on a straight line • Used to: <ul style="list-style-type: none"> - move small crowds in a specific direction - contain a group or maintain set limits, or - block access to restricted areas (e.g., doorways, streets, etc.) • Easy to form (especially from a column) • Can be supplemented with other columns 	<p style="text-align: center;">OOOOOOOOOO</p>
Arrest/Rescue	<ul style="list-style-type: none"> • Officers form a circle around a designated group or individual facing outward • Used to: <ul style="list-style-type: none"> - protect officers - rescue a subject, or - affect an arrest or multiple arrests • Dynamic perimeter within a hostile environment • Can be intimidating • Lack of mobility (some officers moving backward) • Difficult to transition smoothly with crowd 	<pre style="text-align: center;"> OOO O O O X O O O OOO </pre>

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Crowd Control Formations, Continued

Types of formations
(continued)

Formation	Description/Use	Example
Diagonal (Echelons)	<ul style="list-style-type: none"> • A slant line of officers • Used to: <ul style="list-style-type: none"> - clear a crowd from the side of a building, enclosure, or wall - change the direction of a crowd - force groups into side streets or open areas • Point officer has most contact with the crowd • May require backup to prevent crowd members from getting behind officers 	
Wedge/Vee	<ul style="list-style-type: none"> • V-shaped formation with the point officers at the front and remaining officers forming at 45 degree angles on both flanks • Used to: <ul style="list-style-type: none"> - break crowd into segments, - clear intersections, or - penetrate a crowd to execute an arrest/rescue formation • Difficult to maintain • Difficult to move laterally 	

NOTE: There are numerous variations of these common formations along with additional formations that may be used by different law enforcement agencies.

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Chapter Synopsis

Learning need Peace officers need to understand the tactical principles involved in the management and control of crowds in order to ensure the protection of the First Amendment rights of the crowd, and the safety of the entire community.

Phases of riot development [24.05.EO5] There are several phases that crowds of individuals must go through before becoming a riot.

Crowd management [24.05.EO5] Ensure that the event remains lawful while providing for the protection of the First Amendment rights of persons involved.

Crowd control [24.05.EO11] Control the situation and prevent violations of the law when there is a potential or imminent threat by violence without infringing on the First Amendment rights of persons involved.

Riot control objectives and principles [24.05.EO12] The law enforcement objectives and management principles of riot control are the protection of lives and property, and the restoration of order.

Riot control formations [24.05.EO13] Selection of an appropriate formation to use in specific situations is typically made by the officer in charge. The nature of the crowd may be such that peace officers may have to assume responsibility for team response.

Workbook Learning Activities

Introduction

To help you review and apply the material covered in this chapter, a selection of learning activities has been included. No answers are provided. However, by referring to the appropriate text, you should be able to prepare a response.

Activity questions

1. In your own words, describe how the tactics used to manage a peaceful crowd at a community celebration differ from those that may be used to control a rowdy, boisterous crowd protesting deforestation outside the headquarters of a large corporation involved in lumbering. What tactics would be the same?

2. Describe how the demeanor and personal conduct of an individual officer vary when working on the line in a crowd management situation to working on the line at a crowd control situation with a high potential for violence.

Continued on next page

Workbook Learning Activities, Continued

Activity questions
(continued)

3. Without looking back in the chapter, identify the primary law enforcement objective for each of the following situations.

Situation	Primary Law Enforcement Objective
Controlling a crowd at an inner city street rock concert on a hot August night where alcohol is being served	
Managing a crowd of students who are peacefully protesting a tuition increase in front of the administration building of a local junior college	
Controlling a violent crowd of people who are attempting to overturn and set fire to a vehicle	

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions
(continued)**

4. Describe your own most recent experience as a member of a crowd at a planned event. Were you aware of any law enforcement presence? If so, what tactics were used to manage and/or control the crowd?

5. List three actions, behaviors, etc., an individual officer could display when faced with individuals in a potentially violent crowd that could have a negative impact on the law enforcement objective. List three that could help calm individuals and enhance the objective.

Continued on next page

Workbook Learning Activities, Continued

Student notes

Glossary

Introduction **The following glossary terms apply only to Learning Domain 24:
Handling Disputes/Crowd Control.**

civil disobedience An unlawful event involving a planned or spontaneous demonstration by a group or groups of people

civil dispute Any problem between two or more parties where no criminal act is involved

crowd control Techniques used by peace officers in response to either a preplanned or spontaneous event, activity, or occurrence where there is a potential or imminent threat of violence

crowd management Techniques used by peace officers in response to a known event, activity, or occurrence

defusing A process of reducing the potential for violence and bringing emotional levels to a manageable level to restore order

exigent circumstances Emergency situations requiring swift action to prevent imminent danger to life or serious damage to property

mediation A problem solving technique that allows peace officers to assist persons involved in a dispute in reaching their own solutions to a problem

resolution A solution to a problem that is accepted by both parties to the dispute and that makes further peace officer action unnecessary

Continued on next page

Glossary, Continued

riot A crowd or assembly whose actions lead to the use of force or violence against persons or property

riot control Techniques used by peace officers in response to an escalation of crowd violence where reasonable force may be necessary to prevent additional violence, injuries, death or the destruction of property

unlawful detainer A civil lawsuit filed by a landlord in order to legally evict a tenant

rout Disturbance of the public peace by three or more persons acting together in a manner that suggests an intention to riot although they do not actually carry out the intention.

CROWD MANAGEMENT

AND

CIVIL DISOBEDIENCE GUIDELINES

March 2003

Crowd Management and Civil Disobedience Guidelines
Copyright 2003 California Commission on Peace Officer Standards and Training

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PREFACE

Penal Code Section 13514.5 requires the Commission on Peace Officer Standards and Training to establish guidelines and training for law enforcement's response to crowd management and civil disobedience.

These guidelines contain information for law enforcement agencies to consider when addressing the broad range of issues related to crowd management and civil disobedience. *The guidelines do not constitute a policy*, nor are they intended to establish a standard for any agency. The Commission is sensitive to the needs for agencies to have individualized policies that reflect concern for local issues. The Commission intends these guidelines to be a resource for law enforcement executives that will provide maximum discretion and flexibility in the development of individual agency policies.

Questions or comments concerning these guidelines may be directed to **Jody Buna**, Law Enforcement Consultant, Commission on POST, at (916) 227-4896.

KENNETH J. O'BRIEN
Executive Director

INTRODUCTION

In the United States all people have the right of free speech and assembly guaranteed by the First Amendment of the Federal Constitution and California State Constitution. Law enforcement recognizes the right of free speech and actively protects people exercising that right.

The rights all people have to march, demonstrate, protest, rally, or perform other First Amendment activities comes with the responsibility to **not** abuse or violate the civil and property rights of others. The responsibility of law enforcement is to protect the lives and property of all people. Law enforcement should not be biased by the opinions being expressed nor by the race, gender, sexual orientation, physical disabilities, appearances, or affiliation of anyone exercising his/her lawful First Amendment rights. Law enforcement personnel must have the integrity to keep personal, political or religious views from affecting their actions.

When it becomes necessary to control the actions of a crowd that constitutes an unlawful assembly, the commitment and responsibility of law enforcement is to control lawfully, efficiently, and with minimal impact upon the community. A variety of techniques and tactics may be necessary to resolve a civil disobedience incident. Only that force which is objectively reasonable may be used to arrest violators and restore order.

All agencies should familiarize themselves with the terms, definitions, and guidelines set forth in this document. These are the generally accepted principles by which agencies respond to lawful and unlawful assemblies. The material in this document is designed to assist law enforcement executives in addressing the broad range of issues surrounding civil disobedience.

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Guideline #1: Law Enforcement Objectives

Law enforcement agencies should establish policies and procedures that recognize and address law enforcement objectives and provide for the legal protection of the Constitutional rights of all persons.

Discussion:

When establishing policies and procedures, every agency should consider that all persons have the right to march, demonstrate, protest, rally, or perform other activities protected by the First Amendment of the United States Constitution. Law enforcement has the responsibility to protect the lives and property of all people. Peace officers must **not** be affected by the content of the opinions being expressed nor by the race, gender, sexual orientation, physical disabilities, appearances, or affiliation of anyone exercising their lawful First Amendment rights. They must have the integrity not to let personal, political, or religious views affect how they perform their duties.

*** Issues to Consider:**

- ✓ Protection of Constitutional rights
- ✓ Fair and impartial enforcement of laws
- ✓ Protection of life and property
- ✓ Protection of vital facilities
- ✓ Prosecution of violators
- ✓ Public and peace officer safety
- ✓ Potential for disruption to commerce and community affairs

** This sampling is not in order of priority.*

Guideline #2: Incident Command System (ICS) and Standardized Emergency Management Systems (SEMS)

Law enforcement agencies should use the Incident Command System as mandated by the Standardized Emergency Management System when managing crowds and acts of civil disobedience.

Discussion:

The ICS is considered the model for managing the response to unusual critical incidents including crowd management and civil disobedience situations. SEMS, established by Government Code Section 8607(a), incorporates ICS and must be utilized by law enforcement agencies to apply for reimbursement from the State of California. Law enforcement's use of ICS is outlined in the *Law Enforcement Guide for Emergency Operations* (or "Red Book").

SEMS consists of five organizational levels that are activated as necessary: Field Response, Local Government, Operational Area, Region and State (*Law Enforcement Guide for Emergency Operations*, 1998 Edition, Annex, A, Page 11). The Field Response Level also consists of five primary Incident Command System functions.

Field Response Level uses the following five primary ICS functions:

- ✓ Command
- ✓ Operations
- ✓ Planning/Intelligence
- ✓ Logistics
- ✓ Finance/Administration

The *Law Enforcement Guide for Emergency Operations* can be ordered by contacting the Law Enforcement Branch of the California Office of Emergency Services at 916.262.1744.

Guideline #3: Principles of Crowd Management

Agencies should establish policies and procedures designed to manage crowds.

Discussion:

A public assembly, whether for lawful or unlawful activities, may require the response of law enforcement. The response can range from observation to crowd management strategies.

Not all crowd situations involve civil disobedience. Law enforcement's responsibility is to objectively discern at what juncture a demonstration leaves the realm of legal protest and becomes an abridgement of the rights of others.

*** A Sampling of Crowd Management Strategies:**

- ✓ Coordinate incident planning and preparation
- ✓ Arrange pre-meeting with group organizers
- ✓ Develop unified and streamlined chain-of-command
- ✓ Coordinate pre-incident training
- ✓ Insure pre-incident community education
- ✓ Establish stakeholders interest and involvement
- ✓ Deploy sufficient numbers of law enforcement and public safety personnel to control and/or respond to anticipated events
- ✓ Establish overt police presence
- ✓ Insure law enforcement response is timely
- ✓ Designate public assembly areas when reasonable
- ✓ Separate opposing factions
- ✓ Establish and attempt to maintain contact with the crowd
- ✓ Insure personnel has proper and sufficient equipment including specialized tactical resources
- ✓ Establish inner and outer cordoning
- ✓ Insure on-scene incident command
- ✓ Provide effective means of communication
- ✓ Establish rules of conduct, including force options
- ✓ Establish mobile field booking and arrest teams
- ✓ Establish dismounted and mobile tactical formations
- ✓ Define unlawful activity
- ✓ Develop unlawful assembly declaration
- ✓ Prepare to use specialty vehicles as necessary
- ✓ Development media management plan
- ✓ Establish photo/video journal of chronology of events
- ✓ Establish photo/video journal of arrest and booking
- ✓ Continually gather and assess tactically significant intelligence
- ✓ Identify and employ means to detect metal, explosives, terrorists, and suicide bombers

** This sampling is not in order of priority.*

Guideline #4: Stakeholder Involvement

Agencies should establish procedures to identify, develop, and utilize stakeholders.

Discussion:

Stakeholder involvement is critical to the overall success of managing crowds and civil disobedience. Law enforcement should facilitate the involvement of stakeholders when planning for and responding to crowds and civil disobedience situations.

*** A Sampling of Community and Public Agency Stakeholders:**

- ✓ Adjacent Law Enforcement Agencies (i.e., Mutual Aid)
- ✓ Agency Counsel and District Attorney
- ✓ Animal Control
- ✓ Business Community
- ✓ California Department of Transportation (Cal Trans)
- ✓ City Manager/County Administrator
- ✓ Clergy
- ✓ Community Support Groups
- ✓ Correctional Facilities
- ✓ Elected Officials (Mayor, City Council, County Supv., etc.)
- ✓ EMS Providers, Ambulance Services
- ✓ Fire Services
- ✓ Hospitals
- ✓ Judicial
- ✓ National Guard
- ✓ Office of Emergency Services
- ✓ Outside Agencies
- ✓ Parks and Recreation
- ✓ Public Transportation
- ✓ Public Works
- ✓ Red Cross
- ✓ Refuse Service
- ✓ Salvation Army
- ✓ Schools
- ✓ Social Services
- ✓ Utility Companies
- ✓ Volunteers
- ✓ Liaison with California Anti-terrorism Information Center (CATIC)

** This sampling is not in order of priority*

Guideline #5: Management and Supervisory Responsibilities

Managers and supervisors should be guided by their agency's policies and procedures and be familiar with the *Law Enforcement Guide for Emergency Operations* (published by the California Office of Emergency Services).

Discussion:

Managers and supervisors have unique roles at critical incidents. A supervisor may be the manager of an incident until relieved by a ranking officer and should be familiar with both roles. Managers and supervisors should be trained in the Standardized Emergency Management System (SEMS), and, in particular, the Incident Command System (ICS). A pre-established checklist may be helpful for reference during an incident. Existing models are available from many law enforcement agencies and in the *Law Enforcement Guide for Emergency Operations*.

*** A Sampling of Supervisory Responsibilities:**

- ✓ Ensure agency policies are followed
- ✓ Respond quickly and safely to the scene or staging area
- ✓ Determine safe avenue of approach to scene or staging area
- ✓ Establish a command post if appropriate and not already done
- ✓ Delegate responsibility of incident command post and subordinate elements
- ✓ Establish a secure tactical communication
- ✓ Assess the situation via briefing and/or observations
- ✓ Assume command when appropriate
- ✓ Indicate assumption of command to subordinate
- ✓ Make appropriate notifications
- ✓ Utilize SEMS
- ✓ Refer to the Civil Unrest/Disorder Check List, *Law Enforcement Guide for Emergency Operations*
- ✓ Establish priorities of action (containment, isolation, control, arrest, etc.)
- ✓ Establish a staging area and designate a coordinator
- ✓ Establish a journal and report writer
- ✓ Allow time for readjustment, reassessment, and decision making
- ✓ Avoid unrealistic pressure; slowing down is a wise option
- ✓ Deploy disciplined control forces rapidly yet efficiently (economy of force)
- ✓ Emphasize teamwork and avoidance of individual action
- ✓ Establish contact with participants/leadership (be candid in discussions)
- ✓ Consider a rapid response force pre-staged for assistance
- ✓ Maintain support for emergency services (e.g., fire, rescue, etc.)
- ✓ Ensure all personnel have appropriate equipment
- ✓ Attain a signed crime/offense report from victim when possible
- ✓ Ensure personnel understand agency use-of-force policies
- ✓ When possible, don't cite and release demonstrators at the scene
- ✓ Consider the use of barriers and screens around demonstrators
- ✓ Conduct a post-event critique
- ✓ Be available for decision making

Guideline #5: Management and Supervisory Responsibilities (Cont.)

- ✓ Provide ongoing training of managers and supervisors
- ✓ Train and equip response force prior to incident
- ✓ Be familiar with mutual aid policies and principles
- ✓ Slow down the incident as necessary
- ✓ Define mission and establish objectives for the incident
- ✓ Establish and review intelligence information
- ✓ Practice unity of command
- ✓ Accept responsibility
- ✓ Assume command from supervisor
- ✓ Establish an ICS organization
- ✓ Obtain briefing from supervisor
- ✓ Acquire logistical support
- ✓ Set enforcement profiles (e.g., carry, pain compliance, nonlethal chemical agents, etc.)
- ✓ Notify appropriate persons (e.g., police chief, sheriff, mayor, city manager, etc.)
- ✓ Consider protracted events and personnel staffing
- ✓ Conduct a post-event critique with all personnel and participating agencies

* *This sampling is not in order of priority.*

Guideline # 6: Crowd Behavior

Agencies should be prepared to respond to various types of crowds and recognize behavior patterns or characteristics.

Discussion:

Law enforcement agencies should be aware of the various types of behaviors associated with crowds that may require law enforcement response. Generally crowds can be categorized into two groups: Lawful or unlawful. This behavior can range from lawful assembly to civil disobedience to rioting. The ability of law enforcement personnel to maintain or restore order is highly dependent upon a thorough understanding of the factors involved.

*** A Sampling of Crowds and Crowd Behaviors:**

Crowds-

- ✓ Sporting events
- ✓ Labor disputes
- ✓ Parties/social gatherings
- ✓ Entertainment events
- ✓ First Amendment demonstrations
- ✓ Anarchists
- ✓ Social agenda driven events (e.g., abortion, animal rights, jury decisions, environmental issues, anarchists, etc.)
- ✓ Parades
- ✓ Traffic collisions
- ✓ Crime scenes
- ✓ Disasters
- ✓ Media events
- ✓ Community celebrations
- ✓ Political events
- ✓ Mobile Crowds

Crowd Behaviors-

- ✓ Lawful
- ✓ Orderly
- ✓ Compliant
- ✓ Non-compliant
- ✓ Active resistance
- ✓ Violent resistance
- ✓ Rioting

** This sampling is not in order of priority.*

Guideline #7: Tactical Fundamentals

Each agency should develop tactical precepts to address the management of crowds and civil disobedience.

Discussion:

The tactical precepts agencies develop will depend upon available resources and the situation itself. Crowds and acts of civil disobedience are dynamic and require a flexible response. Tactical fundamentals include containment, control, communication, tactical information, response, and coordination. Agencies should strive to plan and prepare for incidents above and beyond the basic fundamentals. The Mobile Field Force, as outlined in the *Law Enforcement Guide for Emergency Operations* (otherwise known as the “Red Book”), is the standard mutual aid resource and has local application as well.

*** A Sampling of Fundamental Tactical Considerations:**

- ✓ Designated areas for dispersal
- ✓ Operation plan development
- ✓ Use of barriers for isolation and containment
- ✓ Unlawful assembly declaration/announcement
- ✓ Arrest and control teams
- ✓ Mobile booking teams
- ✓ Arrest and processing procedures for non-compliant and disabled subjects
- ✓ Mobile tactical formations
- ✓ Use of specialty impact ammunitions
- ✓ Use of nonlethal chemical agents
- ✓ Transportation issues
- ✓ Dismounted tactical formations
- ✓ Mounted tactical formations
- ✓ Communications issues
- ✓ Use of canine
- ✓ Separation of opposing factions
- ✓ Mobile Field Force concept
- ✓ Media considerations
- ✓ Photo/video record of events
- ✓ Documentation and reporting process
- ✓ Traffic management
- ✓ Personnel support and relief issues
- ✓ Specialty equipment
- ✓ Medical considerations
- ✓ Contingency planning

** This sampling is not in order of priority.*

Guideline #8: Dispersal Orders

Law enforcement agencies should establish procedures for declaring unlawful assemblies and issuing dispersal orders.

Discussion:

Law enforcement agencies should understand the law as it pertains to an unlawful assembly. Law enforcement's decision to declare a crowd unlawful must be based upon reasonable and articulable facts. The definition of an unlawful assembly has been set forth in Penal Code Section 407 and interpreted in court decisions. The terms "boisterous" and "tumultuous" as written in Penal Code Section 407 have been interpreted *as conduct that poses a clear and present danger of imminent violence* [In re Brown (1973) 9 Cal. 3d 612, 623.].

The intent of a dispersal order is to permanently disperse a crowd, not to merely relocate the problem. It should be made clear that the crowd is expected to immediately leave the area, and include a warning that force may be used which could result in serious injury [*Deorle v. Rutherford* 272 F.3d 1272, 1284.(9th Cir. 2001)]. The dispersal order must be given in a manner reasonably believed to be heard and understood by the intended audience. Based upon the circumstances, law enforcement may need to consider multiple announcements from various locations. Dispersal orders may be delivered in English and in other languages that are appropriate for the audience. Regardless of how delivered, law enforcement should record the name of the individual making the statement and the date and time each order was administered. **Dispersal orders should not be given until control forces are in position to support crowd movement.**

Dispersal Order Example

"I am (*peace officer's name and rank*) a peace officer for the (*name of jurisdiction*). I hereby declare this to be an unlawful assembly, and in the name of the People of the State of California, command all those assembled at (*specific location*) to immediately disperse, which means to break up this assembly. If you do not do so, you may be arrested or subject to other police action. Other police action could include the use of force which may result in serious injury. Section 409 of the Penal Code prohibits remaining present at an unlawful assembly. If you remain in the area just described, regardless of your purpose, you will be in violation of Section 409. The following routes of dispersal are available (*routes*). You have (*reasonable amount of time*) minutes to disperse."

*** A Sampling of Methods Used to Deliver and Document Dispersal Orders:**

- ✓ Loud speech
- ✓ Amplified sound
- ✓ Display signage indicating unlawful assembly and dispersal
- ✓ Gain attention of the crowd and document affirmative responses prior to declaration of unlawful assembly
- ✓ Position law enforcement personnel to the rear of a crowd to confirm and document the sound of the dispersal order transmission
- ✓ Acquire multiple language capability
- ✓ Video/audio recording equipment for documentation

* *This sampling is not in order of priority*

Guideline #9: Use of Force: Force Options

Agencies should develop use of force policies, procedures, and training for managing crowds and civil disobedience.

Discussion:

When dealing with crowds and civil disobedience situations, law enforcement must be a disciplined and well-organized control force. The decisions to use force and the force options that may be applied in response to these incidents range from law enforcement presence to deadly force. Peace officers need not use the least intrusive force option, but only that force which is objectively reasonable under the totality of the circumstances (*Scott v. Henrich*, 39 F. 3d 912, 9th Cir. 1994, and *Forrester v. City of San Diego*, 25 F. 3d 804 9th Cir. 1994). *Graham v. Connor*, 490 U.S. 386, 109 S. Ct. 1865, 104 L. Ed. 2d 443 (1989). The reasonableness of the force used to affect a particular seizure is analyzed under the Fourth Amendment and determined by balancing the nature and quality of the intrusion on the individual's Fourth Amendment interests against the governmental interests at stake.

Prior to an event, agencies should continually review their use of force alternatives in response to potential actions by protesters. Training should reflect reasonable use of force alternatives in order that officers are prepared to consider the tactics/force options available. *Chew v. Gates*, 27 F. 3d 1432, 1443 (9th Cir. 1994).

*** A Sampling of Use of Force Considerations:**

- ✓ Determine compliance or non-compliance of crowd
- ✓ Physically moving non-compliant offenders
- ✓ Anticipate possible actions of demonstrators
- ✓ Identify criminal violations involved
- ✓ Develop arrest protocol
- ✓ Develop use of pain compliance protocol
- ✓ Plan for disabled, elderly, and children demonstrators
- ✓ Determine availability of personnel
- ✓ Evaluate availability of other public safety resources
- ✓ Include protection devices for involved personnel
- ✓ Plan for the safety of bystanders
- ✓ Evaluate mobility of suspects/protestors
- ✓ Determine avenues of controlled departure
- ✓ Anticipate potential for medical resources
- ✓ Establish protocols for less lethal munitions

*** A Sampling of Force Options:**

- ✓ Law enforcement presence
- ✓ Verbalization
- ✓ Firm grip
- ✓ Compliance techniques
- ✓ Control devices
- ✓ Nonlethal chemical agents
- ✓ Electrical control devices
- ✓ Impact weapons/batons
- ✓ Less lethal (i.e., sting balls, grenades, bean bags)
- ✓ Deadly force

** These samplings are not in order of priority*

Guideline #10: Use of Nonlethal Chemical Agents

Agencies should develop policies and procedures for the deployment of nonlethal chemical agents during incidents of civil disobedience. The application of nonlethal chemical agents must be reasonable under the totality of the circumstances.

Discussion:

Nonlethal chemical agents, properly deployed by trained law enforcement personnel, are designed to cause temporary discomfort. The application of nonlethal chemical agents, including oleoresin capsicum (OC), has proven effective in a wide variety of civil disobedience situations. Use of nonlethal chemical agents during civil disobedience may be reasonable depending on the totality of the circumstances. Each agency should consider when, where, and how nonlethal chemical agents may be deployed.

It is important that every agency have properly trained personnel for the deployment of nonlethal chemical agents. Nonlethal chemical agents, protective masks, maintenance, storage, and security are the responsibility of the agency.

*** A Sampling of Nonlethal Chemical Agent Deployment Issues:**

- ✓ Law Violations
- ✓ Non-compliance, civil disobedience situations
- ✓ Peace officer safety
- ✓ Personnel available
- ✓ Methods of delivery available
- ✓ Weather conditions
- ✓ Wind direction
- ✓ Physical location/terrain considerations
- ✓ Cross contamination problems
- ✓ Mobility of protestors (suspects)
- ✓ Effect on law enforcement horses
- ✓ Types of agents available
- ✓ Protective devices for involved personnel
- ✓ Decontamination
- ✓ The potential exposure to children, elderly, and disabled members of the crowd

*** A Sampling of Nonlethal Chemical Agent Policy Considerations:**

- ✓ Training
- ✓ Reporting
- ✓ Types of agents
- ✓ Delivery methods to be utilized (application, spray, expulsion, pyrotechnics, etc.)
- ✓ Amount of agents to be purchased
- ✓ Identify person(s) who can authorize the use of nonlethal chemical agents, and under what circumstances
- ✓ Decontamination/observation
- ✓ Storage of nonlethal chemical agents
- ✓ Replacement and/or rotation of expired agents
- ✓ Use on animals
- ✓ Mutual aid for procurement (chemical collaborative)
- ✓ Non-compliance, civil disobedience situations
- ✓ Purchase, storage, and distribution of protective masks

** These samplings are not in order of priority.*

Guideline #11: Mass Arrest and Booking

Agencies should develop procedures for managing mass arrests and bookings.

Discussion:

The most successful law enforcement strategy for dealing with mass arrests and bookings is proper planning, training, and comprehensive briefing of involved peace officers prior to the event. Mass arrests are dynamic situations, and any process must be flexible enough to handle challenges confronting the field force.

The impact of a large number of arrests on public agencies should be evaluated.

It is imperative that agencies maintain continuity and accountability of arrestees from the arrest site (crime scene) through the booking process. Many cases are lost due to the inability to match up the arresting peace officer to the arrestee. The arrest report should articulate each arrestee's specific criminal act(s). This process will aid in criminal prosecution and the reduction of civil liability.

A coordinated effort between all involved criminal justice entities is essential to ensure successful arrest, booking, and prosecution.

It is imperative that agencies maintain continuity and accountability of evidence. Consideration should be given to maintaining evidence beyond the criminal prosecution, pending potential civil litigation.

*** Sampling of Mass Arrest and Booking Considerations:**

- ✓ Booking/processing area: On site or
 - Temporary holding facility
 - Security
 - Weather issues
 - Media issues
- ✓ Identified arrest teams
 - Armed
 - Unarmed
 - Protective clothing
 - Handcuff release devices
- ✓ Documentation (photo/video/written) of arrests
 - Date
 - Time
 - Location
 - Offence(s)
 - Arresting peace officer(s)
 - Identification of arrestees

Guideline #11: Mass Arrest and Booking (Cont.)

- ✓ Computer access for identification
- ✓ Telephone capabilities
- ✓ Identified booking teams
- ✓ Prisoner transportation
 - Special needs (e.g., wheel chairs)
- ✓ Segregation issues
 - Gender
 - Gangs
 - Juveniles
- ✓ Personal needs issues
 - Restrooms
 - Water
 - Food
- ✓ Coordination with
 - Medical
 - Jail
 - Court
 - District/City Attorney
 - Probation/Parole
 - Public Defender's Office
- ✓ Sufficient handcuffs/restraint equipment
- ✓ Sufficient forms/paperwork
 - Booking forms
 - Field release from custody
 - Field interview cards
 - Evidence collection/storage of materials
- ✓ Master report writer
- ✓ Public Affairs/Media Relations Rep.
 - Public Service Announcements

** This sampling is not in order of priority.*

Guideline #12: Criminal Investigation

Law enforcement agencies should establish procedures to investigate and prosecute criminal activity associated with civil disobedience.

Discussion:

Crowd behavior and civil disobedience that result in criminal misconduct should be investigated. Arrest/charging sections are not always the same. It may be appropriate to establish a victim other than law enforcement. Private persons arrests and/or signed crime/offense reports should be considered. Sections to be considered should be based upon applicable laws and advice from prosecutors. Conspiracy charges are often appropriate but frequently overlooked.

Crowd behavior and civil disobedience that result in criminal activity should be investigated as any other crime. Charging sections to be considered may include, but not be limited to, trespass, unlawful assembly, failure to disperse, rioting, wearing a mask during the commission of a crime, vandalism and conspiracy, if warranted.

When gathering information regarding different groups and their actions, agencies should also confer with the agency's legal advisor regarding legal guidelines and court decisions affecting intelligence activities by law enforcement agencies.

*** A Sampling of Investigative Considerations:**

- ✓ Identify potential violations
- ✓ Consult with city/district attorney prior to and after the event
- ✓ Identify a master report writer
- ✓ Identify an evidence coordinator
- ✓ Gather documents which may aid in your investigation (including press releases, internet material, signs, banners, etc.)
- ✓ Review similar activity the group has been involved with in other jurisdictions
- ✓ Obtain all available video evidence
- ✓ Review each individual arrest
- ✓ Record specific chants and who is leading them
- ✓ Photograph the event
- ✓ Maintain evidence beyond the criminal prosecution, pending potential civil litigation

*** A Sampling of Evidence Considerations for Conspiracy Investigation:**

- ✓ Computers and all discs
- ✓ E-mail accounts
- ✓ Telephone records
- ✓ Fax machines (machine memory can have programmed phone numbers)
- ✓ Video recordings
- ✓ Clothing and other items showing affiliation with similar groups
- ✓ Documents (correspondence, address books, journals, etc.)
- ✓ Manifestos
- ✓ Photographs (including criminal activity and site before and after)

** These samplings are not in order of priority.*

Guideline #13: Incident Documentation

Agencies should establish policies and procedures for documenting crowd management and civil disobedience incidents.

Discussion:

Thorough documentation is a key element which supports not only criminal investigation and prosecution but also gives an account of law enforcement's response to an event. Documentation should begin as soon as possible. Additionally, proper documentation can aid law enforcement in anticipation of potential civil litigation.

The extent of documentation is based on the resources available to an agency. Several types of documentation can be used. Agencies should evaluate existing documentation methods and the need for additional resources.

*** A Sampling of Methods of Documentation:**

- ✓ Still photography
- ✓ Audio recording
- ✓ Video recording
- ✓ Written log/journal
- ✓ Reports (including after-action reports)
- ✓ Media reports/footage
- ✓ Communication and dispatch tapes/printouts

*** A Sampling of Subjects to be Documented:**

- ✓ Public disruption
- ✓ Property damage
- ✓ Injuries (private citizens, participants, **and** law enforcement)
- ✓ Collective and individual behavior
- ✓ Individual arrests
- ✓ Individual actions
- ✓ Use of force
- ✓ Physical evidence

** These samplings are not in order of priority.*

Guideline #14: Training for Managing Crowds and Civil Disobedience

Agencies should establish procedures for training law enforcement command and line members in managing crowds and civil disobedience situations.

Discussion:

It is important for agencies to prepare for incidents through training and simulation exercises. Command personnel needs to understand resources, operational strategies, capabilities, force options, and limitations of field forces as well as the law and policies. Operational personnel also need to understand the law, policy, tactics, and mission objectives.

Officer discipline is an essential component in successfully managing crowds and civil disobedience. Discipline is achieved through regular training in the areas of tactical fundamentals and First Amendment rights issues. Training should not be a single incident occurrence, rather, a continual process. Training should be presented in a dynamic, relevant, and realistic format.

*** A Sampling of Training:**

- ✓ Agency policies and procedures
- ✓ Case and statutory law
- ✓ Basic Course
- ✓ Continuing Professional Training (CPT)
- ✓ Arrest and control techniques
- ✓ Team arrest techniques
- ✓ Mass arrest techniques
- ✓ Baton/impact weapon techniques
- ✓ Nonlethal chemical agents
- ✓ Less lethal munitions (e.g., specialty impact munitions)
- ✓ Law enforcement SEMS/ICS
- ✓ Incident Command Post and field exercises
- ✓ Media relations
- ✓ Mutual aid
- ✓ Command decision-making
- ✓ Supervisory leadership
- ✓ Tactical decision-making
- ✓ Crowd dynamics

** This sampling is not in order of priority*

Information Guide

Protestor Tactics – Trends – Techniques

The following information has been compiled from various sources involving several large public demonstrations. Information described should be considered foundational to detecting protestor behavior that may involve unlawful activity.

- ✓ Aggressive, antagonistic, provocative, animated (European influence)
- ✓ Predominantly white and young
- ✓ Advocate “non-violence,” “direct action”
- ✓ Black clad – “Black Bloc” cell groups-confrontational towards police
- ✓ White coveralls (G8 Summit)
- ✓ Facial coverings: protective masks and bandannas (soaked in vinegar, carried in zip-lock bags)
- ✓ Swim goggles
- ✓ Backpacks
- ✓ Two-way, recreational radios, cellular telephones, NEXTEL
- ✓ Bicycles – communications and reconnaissance
- ✓ Things to tie, bind and clog such as duct tape, super glue, wire, and staple guns
- ✓ Helmets: motorcycle, military, football (face guard removed), construction, etc.
- ✓ Paint, “day-glow orange,” yellow, red, black
- ✓ Body padding, shin guards, knee/elbow pads, carpet, rubber
- ✓ Protective (thick) clothing: chemical suits or rain gear (yellow/orange)
- ✓ Large trucks/vans, out of state plates
- ✓ Police monitors– colored hats
- ✓ Highly mobile and dynamic groups
- ✓ Body armor such as foam, cushions, and garbage can lids,
- ✓ First Aid: bandages, gauze, etc.
- ✓ Squirt bottles filled with urine, water, etc.
- ✓ PVC pipes and banners
- ✓ Footwear- boots with steel toes
- ✓ Use of Internet- planning, coordination, and control (Independent Media)
- ✓ Fire (intimidation, confusion)
- ✓ Roadway obstacles (traffic blockades)
- ✓ Large trash receptacles (incendiary)
- ✓ Banner hanging (buildings and bridges)- high-angle rappelling devices, clothing, and equipment
- ✓ Welder’s gloves (handle expended with chemical agents)
- ✓ Convergence Centers (planning/assembly areas)– pre-rented, abandoned buildings
- ✓ Paramedics in crowd (travel in groups)
- ✓ Pirate radio stations (direct actions)
- ✓ Legal assistance (attorneys identified by colored caps)
- ✓ Bomb threats/hoax devices (intended to divert law enforcement)
- ✓ Public transportation (trains, subways, buses)
- ✓ Do not like to be photographed, followed, or monitored by uniformed police
- ✓ Engage in intimidation
- ✓ Jail solidarity (when arrested are “non-cooperative” in attempt to clog system)
- ✓ Practice “non-violence” training: Ruckus, DAN, etc.
- ✓ Lock down devices (bicycle locks, chains, “sleeping dragons,” etc.)
- ✓ Use hand signals to orchestrate crowd activity
- ✓ Weather Balloons
- ✓ Pre-target surveillance

Potential Targets

- ✓ Financial Institutions
- ✓ Federal, State, and Municipal Buildings
- ✓ Police facilities
- ✓ Prisoner detention facilities and arrestee processing locations
- ✓ Restaurants
- ✓ Corporations/stores
- ✓ University and corporate research facilities
- ✓ Roads, freeways, and overpasses- especially main arteries- blockades
- ✓ Political figures (including Cabinet level individuals)

Weapons

- ✓ Rocks and bottles
- ✓ Unsecured trash receptacles, fencing, light standards, newspaper racks, etc.
- ✓ Molotov cocktails (rag inside liter bottles)
- ✓ Rubbing alcohol, peroxide, and spices (homemade pepper spray)
- ✓ Urine filled squirt guns and plastic bottles
- ✓ Sling-shots, ball bearings, bolts, metal nuts
- ✓ Sticks, crowbars, golf balls, rakes, razors (equestrian injuries)
- ✓ Street theatre paraphernalia
- ✓ Commercially manufactured OC
- ✓ Vegetable oil and marbles
- ✓ Large nail clippers (tackle plastic cuffs when arrested)
- ✓ Pre-positioned rocks
- ✓ Catapults

TERMS AND DEFINITIONS

Active Resistance - To intentionally and unlawfully oppose the lawful order of a peace officer in a physical manner.

Arrest Protocol - The formal process of placing subjects under arrest, taking into custody, and associating the arresting peace officer(s) with the specific individual arrested.

Arrest Teams - Personnel assigned to arrest duties during civil disobedience/civil disorder operations.

Booking Teams - Personnel assigned to custodial and processing duties during civil disobedience/civil disorder operations.

Chemical Agents - See *Nonlethal Chemical Agents*.

Civil Disobedience - An **unlawful** event involving a planned or spontaneous demonstration by a group of people.

Civil Disorder - An unlawful event involving **significant** disruption of the public order.

Collective Behavior - The unlawful behavior of a group of persons involved in situations where normal cultural structure and controls are not observed, such as unruly crowds, civil disobedience, and riots.

Command - The authority a person lawfully exercises over subordinates by virtue of his/her rank and assignment or position.

Compliance Techniques - Reasonable, lawful use-of-force methods intended to encourage suspect cooperation.

Compliant Behavior - Behavior consistent with submitting to lawful orders of a peace officer without resistance.

Control Devices - Devices intended to assist peace officers in gaining control of subjects who refuse to submit to lawful authority (e.g., batons, electrical stunning units, restraint, chemical agents, etc.).

Cordoning - Surrounding or enclosing a particular problem area; also referred to as perimeter control.

Critical Facilities - Any location essential to the well-being and safety of the community requiring law enforcement protection during a critical incident (e.g., law enforcement, fire and other government facilities; public utilities; housing developments; shopping centers; hospitals; banks; gun stores; surplus, and supply centers; etc.).

Crowd Control - Law enforcement response to a pre-planned or spontaneous event, activity or occurrence where there is a potential for unlawful activity or the threat of violence.

Crowd Dynamics - Factors which influence crowd behavior.

Crowd Management - Strategies and tactics employed by law enforcement agencies to deal with lawful assemblies in an effort to prevent escalation of events into an unlawful assembly or riot.

Crowd - A number of persons collected into a close body.

Decontamination - Procedures taken to reduce the effects of any nonlethal chemical agent.

Discipline - Pattern of behavior consistent with demonstrating self-control, teamwork, moderation, and restraint.

Dispersal Order - Lawful orders communicated by law enforcement personnel commanding individuals assembled unlawfully to disperse.

Dismounted Tactics - Non-mobile tactical formations generally involving team, squad, and platoon-sized units.

Electrical Devices - Electrical stunning devices utilized by law enforcement to control resisting subjects.

Essential Elements of Information (EEI) - Critical tactical information, obtained from any source, received prior to and/or during an event which is considered so essential that without it, meaningful planning cannot proceed.

Flashpoint - Specific location(s) which can be anticipated to attract criminal elements and become the origin or focal point of civil disorder.

Force Options - Reasonable force applications utilized by law enforcement to effect arrest, overcome resistance, and prevent escape.

Formations - Coordinated unit tactics utilized by law enforcement to control crowds, stop unlawful activity, and disperse and/or arrest violators.

Incident Command System (ICS) - The statewide model for field-level management of emergencies mandated by the Standardized Emergency Management System (SEMS). ICS is specifically designed to allow its user(s) to adopt an integrated organizational structure equal to the complexity and demands of single and multiple incidents without being hindered by jurisdictional boundaries (*Law Enforcement Guide for Emergency Operations*, 1998 Edition, Annex A, page 6).

Leadership - The art and exercise of influence to direct personnel to obtain willing obedience, confidence, respect, and loyal cooperation.

Less Lethal Ammunition - Speciality impact ammunitions, hand-delivered or propelled from launching devices, designed to immobilize, incapacitate, or stun a human being. Refer to PC Section 12601(c).

Management - The process of planning, organizing, coordinating, directing, budgeting, and controlling resources.

Mobile Arrest and Booking Teams - Mobile teams designated to assist field personnel with mass arrest and booking.

Mobile Field Force - An organized, mobile law enforcement tactical force equipped and trained to respond to unusual occurrences. The mobile field force is currently the statewide standard configuration known as “Mutual Aid Response Mobile Field Force” (*Law Enforcement Guide for Emergency Operations*, 1998 Edition, Section IV, “Mutual Aid Response Mobile Field Force,” Page 53).

Mobile Tactics - The ability to rapidly deploy law enforcement personnel using vehicles. The vehicles may also be used for crowd control and containment.

Mob - A disorderly group of people engaged in unlawful activity.

Mounted Tactics - Crowd control while mounted on horses.

Non-Compliant Behavior - Behavior which does not yield to a lawful order.

Nonlethal Chemical Agents - Devices utilized by law enforcement agencies which may include CS, CN, OC, and HC (smoke).

Operations Security - Methods to prevent sensitive information which may compromise the integrity and safety of a law enforcement operation from being improperly disseminated.

Pain Compliance - Stimulation of nerves or the manipulation of joints to elicit a sense of unease or distress in a subject, causing that subject to comply. Examples include use of control holds, impact weapons, nonlethal chemical agents, electronic stunning devices, etc.

Passive Resistance - A commonly used term referring to non-violent opposition to the lawful directions of law enforcement during arrest situations.

Perimeter Control - See *Cordoning*.

Photographic Teams - Law enforcement photographers assigned to memorialize designated activity involving civil disobedience.

Platoon - A tactical component consisting of two or more supervised squads.

Policy - Statements of principles and values which guide the performance of a specific department activity. *Policy* establishes limits of action and reflects a statement of guiding principles that should be followed in order to achieve an agency’s objective.

Procedure - A method of performing an operation or a manner of proceeding on a course of action within the limits of policy.

Public Disruption - The interruption or disturbance of public order.

Rapid Response Force - See *Mobile Field Force*.

Stakeholder - Entities having a legal, professional, economic, or community interest/responsibility in the event.

Sectoring - Defining an overall area of operation and dividing it into sub-sections based upon geographical and/or artificial boundaries.

Standardized Emergency Management System (SEMS) - A system required by California Government Code for managing response to multi-agency and multijurisdiction emergencies in California. SEMS consists of five organizational levels that are activated as necessary: Field Response, Local Government, Operational Area, Region and State (*Law Enforcement Guide for Emergency Operations*, Annex, A, Page 11).

Squad - A tactical component consisting of a minimal number of supervised personnel.

Tear Gas - The term used in the California Penal Code for what law enforcement more accurately refers to as “nonlethal chemical agents.”

APPLICABLE STATUTES

California Penal Code - General

69	Resisting or deterring officer
71	Threat of injury made to peace officer in performance of his duties
102	Retaking property from officer
148	Resisting or obstructing public officer
148.1	False reporting planting of bomb
148.2	Interfering with fireman or EMT
148.4	Tampering with fire alarm
148.9	Giving false identification
151	Advocating injury or death of peace officer
169	Picketing in or near courthouse with intent to interfere or obstruct administration of justice or influence judge, juror, witness, or officer of the court
171f	Entering state capitol without authorization-disorderly conduct
182	Conspiracy
197	Killing in defense of self or property and arresting fugitives or quelling riot
218	Derailing or wrecking train
219	Wrecking train or firing bridge; penalty
219.1	Throwing missile at vehicle of common carrier
219.2	Throwing missile or shooting at trains, street cars, or vessels
240	Assault - defined
241	Assault; Assault against peace officer, or other specified persons engaged in performance of duties <u>Note:</u> see 241 PC subsections
242	Battery - defined
243	Battery; punishment <u>Note:</u> see 243 PC subsections
244	Throwing acid w/intent to disfigure or burn
245	Assault with deadly weapon, firearm, assault weapon, or machine-gun (ADW) <u>Note:</u> see 245 PC subsections
246	Discharge firearm at inhabited dwelling, vehicle or aircraft
247	Discharge firearm at unoccupied aircraft or motor vehicle or uninhabited building or dwelling house
247.5	Discharging laser at aircraft
248	Interfere with helicopter operation - light or bright device
302	Disorderly conduct at church service
372	Maintaining public nuisance
374	Littering and waste matter defined <u>Note:</u> see 374 PC subsections

California Penal Code - General (Cont.)

375	Use of offensive substance in place of public assembly; manufacture of offensive substance
396	Price gouging during state of emergency
403	Disturbing an assembly
404	Riot - defined
404.6	Incitement to riot
405	Punishment of participants in riot
405a	Lynching - defined
405b	Lynching - punishment
406	Rout - defined
407	Unlawful assembly
408	Participating in a rout or unlawful assembly
409	Refusal to disperse when ordered
409.5	Closing areas in emergency
410	Duty to suppress riot or rout
415	Fighting, causing loud noise, or using offensive words in public place
415.5	Unlawful acts committed in buildings or grounds of Colleges or University
416	Duty of crowd to disperse when ordered; Restitution for property damage
420	Obstructing entry on government land
422	Threats to commit crime resulting in death or great bodily injury
422.6	Civil Rights; Interfere with property damage or speech
451	Arson
452	Unlawfully causing a fire
453	Possession or manufacture of combustible or explosive material or fire bomb
455	Attempts to burn
463	Burglary during state of emergency
555	Entry without permission <u>Note:</u> see 555 PC subsections
587	Injuring or obstructing railroad tracks, rights-of-way or structures
588	Injuring public road or bridge <u>Note:</u> see 588 PC sections
591	Injuring or tapping telegraph, telephone, or cable telephone line
594	Vandalism
602	Trespassing
602.5	Unauthorized entry of dwelling
602.8	Trespass - Entering cultivated, fenced, or posted land
602.10	Physical obstruction of student or teacher from attending or instructing at a University of California, California State University, or Community College
602.11	Obstruct entry/exit of health care facility, place of worship, or school
616	Tampering with posted legal notice
626	Definitions - miscellaneous crimes - schools <u>Note:</u> See 626 PC subsections
640	Infractions committed on or in facilities or vehicles of a public transit system <u>Note:</u> see 640 PC subsections
647	Disorderly conduct - defined
647c	Accosting person in public place, disorderly conduct, impose, or begging
726	Unlawful assembly - officer's duty to disperse

California Penal Code - General (Cont.)

727	Arrest for refusal to disperse
835a	Use of reasonable force to effect arrest
836	Arrest by Peace Officer
4600	Destroying or injuring prison or jail (including jail property)
12600	Peace Officer may purchase, possess, or transport less-lethal weapons
12601	Less-lethal weapon - definitions

California Penal Code - Weapons Laws

171b	Bringing firearm or other specified weapons into courthouse or public meeting
171c	Bringing loaded firearm into state office, state capitol grounds, or public school grounds
171d	Bringing loaded firearms into residence of Governor or other constitutional officer
171f	Entering state capitol without authorization - disorderly conduct within
374c	Discharging firearms on a public highway
417	Drawing or exhibiting weapon in a rude or threatening manner <u>Note:</u> see 417 PC subsections
626.9	Bringing or possessing firearm on grounds of public school, college, or university
626.10	Knives, razors, tasers, stunguns, etc., on school grounds, exceptions
12020	Manufacture, importation, sale or possession of disguised firearms or other deadly weapons prohibited; carrying concealed weapons prohibited; exceptions
12024	Possession of deadly weapon with intent to commit assault
12025	Unlawful to carry concealed firearms without license
12031	Loaded firearm; carrying in public place or in vehicle
12303	Possession of destructive device prohibited
12590	Carrying a firearm or deadly weapon - wearing uniform of peace officer
12651	Purchase, possession, or use of stun gun

California Vehicle Code

23110	Throwing substance at vehicles
23112	Throwing, depositing, or dumping matter on highway

California Election Code

18340	Prevention of electors from assembly; misdemeanor
18380	Vandalism at polling places, violations; misdemeanor
18502	Interference with officers or voters; imprisonment
18540	Use of force, violence, tactic of coercion or intimidation; penalties

APPLICABLE CASE LAW

Use of Force

Graham v. Connor, 490 U. S. 386 (1989)
Scott v. Henrich, 39 F. 3d 912 (9th Cir. 1994)
Hammer v. Gross, 932 F. 2d 846 (9th Cir. 1991)
Fikes v. Cleghorn, 47 F. 3d 1011 (9th Cir. 1995)
Eberle v. City of Anaheim, 901 F. 2d (9th Cir. 1990)
Forrester v. City of San Diego, 25 F. 3d 804 (9th Cir. 1994)
Mayard v. Hopwood, 105 F. 3d 1226 (8th Cir. 1997)
Frazell v. Flanigan, 102 F. 3d 877 (7th Cir. 1996)

Unlawful Assembly

In re Brown, (1973) 9 Cal. 3d 612
Collins v. Jordan, 110 F. 3d 1363 (9th Cir. 1996)
Chambers v. Municipal Court, (1997) 65 Cal. App. 3d 904
In re Wagner, (1981) 119 Cal. App. 3d 90
In re Kay, (1970) 1 Cal. 3 d 930, 943

Riots

People v. Bundte, (1948) 87 Cal. App. 2d 735, 744, cert denied 337 U. S. 915
People v. Cipriani, (1991) 18 Cal. App. 3d 299, 304
People v. Jones, (1971) 19 Cal. App. 3d 437
People v. Davis, (1968) 68 Cal. 2d 481

Lynching

People v. Patino, (1979) 95 Cal. App. 3d 11
People v. Jones, (1971) 19 Cal. App. 3d 437

Authority to Close Disaster Area

Los Angeles Free Press v. City of Los Angeles, 9 Cal. App. 3d 448, 457 (1970) cert. denied 401 U. S. 982

Fighting/Noise/Offensive Words - First Amendment

Cohen v. California, (1971) 403 U. S. 15, 91 S.Ct. 1780
In re Brown, (1973) 9 Cal. 3d 612
Jefferson v. Superior Court, (1975) 51 Cal. App. 3d 721
Chambers v. Municipal Court, (1977) 65 Cal. App. 3d 904

Obstruction of Street/Sidewalk or Other Place Open To Public

In re Cox, (1970) 3 Cal. 3d 205, 220
People v. Man, (1974) 39 C. A. 3d Supp. 1, 4-5

Obstructing/Resisting/Delaying Peace Officer

In re M.L.B., (1980) 110 Cal. App. 3d 501
People v. Patino, (1979) 95 Cal. App. 3d 11
People v. Curtis, (1969) 70 Cal. 2d 347, 354-5

Throwing Substances At Vehicles

People v. Whitney, (1978) 76 Cal. App. 3d 863

Foot Pursuits

[21.02.EO13]

Introduction

Foot pursuits are one of the most dangerous and unpredictable situations for officers. All foot pursuits must be considered high risk.

Inherent dangers

Foot pursuits can be difficult to control or coordinate. There are a number of inherent dangers regarding foot pursuits.

During a foot pursuit:

- the fleeing subject may be armed.
 - the fleeing suspect controls the route, not the pursuing officer(s).
 - officers may lose track of their own locations as well as that of the subject.
 - an officer may be separated from his or her partners.
 - radio transmissions often become very difficult to understand.
 - officers can drop and/or lose equipment (e.g., radios, batons, keys, etc.).
 - officers may be led into high risk areas and become vulnerable to an ambush situation involving additional suspects.
-

Continued on next page

Foot Pursuits, Continued

Safety considerations

Officers must consider not only their own safety but the safety of fellow officers and the public before initiating a foot pursuit. The following table identifies factors and safety considerations regarding foot pursuits.

Factor	Considerations
Public safety	<ul style="list-style-type: none">• If a foot pursuit represents an unusual risk to the officer or the public, it may be more desirable to establish a perimeter and initiate a systematic search of the area.
Physical condition of pursuing officers	<ul style="list-style-type: none">• During a foot pursuit, the blood supply to an officer's brain slows in order to supply blood to the officer's muscles enabling the body to "speed up."• When sprinting after a subject, officers may inadvertently hold their breath during the initial 30+ yards of the pursuit. This can further deplete the brain of oxygen.• If two officers are in very different degrees of physical condition, there is a greater possibility of the officers becoming separated during the pursuit. (e.g., One officer becomes winded and has to drop back or quit while the other continues alone.)• Officers who are winded or fatigued may have greater difficulty maintaining control of their firearms during a physical confrontation with a suspect.

Continued on next page

Foot Pursuits, Continued

Safety considerations
(continued)

Factor	Considerations
Available equipment	<ul style="list-style-type: none"> • Officers wear and/or carry <i>in excess of 25 pounds</i> of leather and equipment. Fleeing subjects may have no additional weight to carry. • Officers may be wearing heavy footwear unsuitable for running while fleeing suspects may be wearing running shoes.
Retention of weapons and equipment	<ul style="list-style-type: none"> • Holsters can break or snaps come loose during a rigorous pursuit making it more difficult for officers to maintain control of their primary and backup firearms and weapons. • Pieces of equipment can easily flap or shake loose or get caught on objects during a foot pursuit leaving the officer without necessary items such as radios, handcuffs, keys to the patrol vehicle, etc. • Officers lose the capability of retrieving equipment that may be left behind in the patrol vehicle.
Ability to follow through at end of pursuit	<ul style="list-style-type: none"> • Officers must be physically capable of functioning effectively even at the end of a lengthy foot pursuit. • If a physical confrontation between the subject and officer takes place at the end of the pursuit, the pursuing officer must still be capable of gaining and maintaining control of the subject.

Continued on next page

Foot Pursuits, Continued

Justification

Officers should have justification for initiating a foot pursuit of a fleeing suspect (e.g., the officer observing suspected or actual criminal activity).

Individuals may attempt to flee from an officer for reasons which are unknown to the officer. For example, they:

- are on probation or parole and do not wish to come into contact with officers,
- have committed other unrelated offenses,
- have known wants or warrants out for them,
- fear retaliation if seen talking to officers, or
- already have “two strikes” against them and do not want to be arrested for the third.

The implication that “only a guilty person would run from an officer” may not always be true. In some cultures, law enforcement officers are feared and an individual may simply be afraid.

Indications of a plan to flee

Officers should be aware of a number of possible indicators that a subject, (who they are approaching or have approached), is about to flee. These may include, but are not limited to, subjects:

- looking around or “scanning” for an avenue of escape,
 - standing on the balls of their feet,
 - rocking back and forth or “bouncing” in position,
 - jumping off of or out of a vehicle,
 - backing away from an approaching officer (or patrol unit), or
 - attempting to distract an officer’s attention.
-

Continued on next page

Foot Pursuits, Continued

Guidelines for foot pursuits

The following table presents basic guidelines for conducting a safe and effective tactical foot pursuit of a fleeing subject.

	General Guidelines
Plan of Action	<ul style="list-style-type: none"> • Officers should discuss safety factors as well as possible plans for taking action in situations involving fleeing subjects. • Plans may include, but are not limited to: <ul style="list-style-type: none"> - actions they would take if a fellow officer is wounded and a subject flees on foot. - coordination of who will transmit radio traffic. - appropriate use of or escalation of force.
Working with a Partner	<ul style="list-style-type: none"> • If partner officers stay together during a foot pursuit, there is a greater likelihood that a safe and successful outcome will occur. • If partners become separated, officers should reevaluate the level of risk before continuing the pursuit.
Vehicle Pullovers	<ul style="list-style-type: none"> • If a foot pursuit begins with the subject fleeing from a vehicle the officer has just stopped, officers should generally remain with the vehicle rather than pursue the subject on foot. • The remaining vehicle may contain: <ul style="list-style-type: none"> - additional suspects, - items that would identify the fleeing suspect, and/or - other evidence of criminal activity.

Continued on next page

Foot Pursuits, Continued

**Guidelines
for foot
pursuits
(continued)**

	General Guidelines
Pursuits Around Blind Corners	<ul style="list-style-type: none"> • Officers should pursue subjects around blind corners as widely as possible in order to better see what they may be approaching. (This tactic may also be referred to as “cutting the pie,” “slicing the pie,” or “fanning.”) • If conditions prevent such action, officers may choose to, when possible: <ul style="list-style-type: none"> - use a hand-held mirror to see around the corner first, - peer around the corner at a level lower than where a subject would expect to encounter the officer, or - call off the pursuit.
High Obstacles (e.g., fences, walls, etc.)	<ul style="list-style-type: none"> • High obstacles may prevent officers from seeing: <ul style="list-style-type: none"> - a subject who is lying in wait, - a vicious dog or other animal, - dangerous drops or hazardous terrain, or - other hazardous obstacles on the other side. • Before pursuing a suspect over a high fence or wall, officers should: <ul style="list-style-type: none"> - stop, - listen, and - attempt to peer through, over, or around the obstacle near the point where the subject went over.

Continued on next page

Foot Pursuits, Continued

**Guidelines
for foot
pursuits
(continued)**

	General Guidelines
Drawn Firearms	<ul style="list-style-type: none"> • Whether or not officers should pursue a subject with their firearms drawn is generally based on specific agency policy and may depend on the: <ul style="list-style-type: none"> - seriousness of the offense, - officer's perception of risk, - potential for an accidental discharge, and/or - risk of creating a weapon retention problem.
Poor Visibility	<ul style="list-style-type: none"> • Officer safety hazards are greatly increased when a pursuit is initiated in bad weather, low light, or nighttime conditions. • Officers may be inhibited from: <ul style="list-style-type: none"> - keeping sight of the suspect, - staying with a partner, or - identifying hazardous obstacles (e.g., ditches, rocks, barbed wire, etc.).
Pursuits into Buildings or Structures	<ul style="list-style-type: none"> • Officers should avoid continuing the pursuit if the subject flees into a building or other structure. • Following the subject could lead to: <ul style="list-style-type: none"> - an ambush situation with "suspect-friendly" supporters, - a possible hostage situation, or - the likelihood that the subject may have access to weapons within the building/structure. • Under such conditions, officers should: <ul style="list-style-type: none"> - establish a perimeter around the building/structure, - call for additional support or backup, and - if conditions allow, coordinate with other officers to conduct a systematic tactical search of the building/structure.

Continued on next page

Foot Pursuits, Continued

**Guidelines
for foot
pursuits
(continued)**

	General Guidelines
Losing Sight of the Suspect	<ul style="list-style-type: none">• If officers should lose sight of the fleeing subject at any time during the pursuit, they should:<ul style="list-style-type: none">- stop, look, and listen for possible locations where the subject could be hiding or the direction the subject may be moving,- consider establishing a perimeter in the area,- call for additional support or backup, and- if conditions allow, coordinate with other officers to conduct a systematic tactical search of the area.

Continued on next page

Foot Pursuits, Continued

Examples

Example: An officer initiated a traffic stop. The driver of the target vehicle stopped the vehicle and immediately exited the car and began running down the street. Rather than pursue the subject on foot, the officer remained with the subject's vehicle and contacted dispatch to advise other units of the situation. The officer gave the location, direction in which the subject was running, subject description, and requested assistance. Other units in the area responded and set up a perimeter. The subject was located and arrested. By keeping dispatch advised and requesting backup, the officer apprehended the suspect.

Example: An officer responded to a domestic violence call. The suspect in question was on parole for assault. As the officer drove up to the subject's residence, he observed the subject standing outside the house. Before exiting the car, the officer advised dispatch of the situation, gave the subject's history, and requested additional units to respond to the location. The officer exited the patrol car and approached the subject who began to run toward an alley. The officer pursued on foot, advising dispatch of the direction of travel. As the officer continued the pursuit, he directed the responding backup units to set up a perimeter. The fleeing subject ran toward a waiting officer on the perimeter and was apprehended. The officer coordinated efforts with other units to safely locate a potentially violent subject.

Continued on next page

Foot Pursuits, Continued

Examples (continued)

Non-example:

Using the same scenario as in the previous example, the officer did not notify dispatch of the subject's history or request backup in advance. Instead, when the subject fled, the officer pursued and during the pursuit communicated the situation to dispatch and requested backup. Before the units could arrive, the subject turned and confronted the officer in the alley. The two struggled and the officer was injured. By not requesting backup for assistance with a subject with a history of violence, the officer placed himself in unnecessary danger.

TRAINING SPECIFICATIONS
FOR THE
INVESTIGATION AND TRIAL PREPARATION COURSE

January 1, 2007

Specifications are compiled and issued by the
California Commission on Peace Officer Standards and Training

CALIFORNIA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

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Learning Domains and Course Hours

Learning Domain	Domain Description	Minimum Hours
# 70	Role <u>and Authority</u> of the District Attorney Investigator	6 8
# 71	Court Processes, Motions, Grand Jury	4
# 72	Civil Process	2
# 73	Concepts of Evidence, Search and Seizure	4
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# 75	Victim, Witness and Informant Management	4
# 76	Trial Preparation and Support	6 8
# 77	Family Support Investigation	2
# 78	Child Abduction Investigation	2
# 79	Financial Crimes <u>and Public Fraud</u> Investigations	4
# 80	Public Assistance Fraud Investigations	2
# 81	Crimes Committed by Public Officials/ <u>Officers</u>	4
# 82	Special Victim Investigations	4
# 83	Gang Activity Investigations.....	4
# 84	Officer Involved Incidents	4
# 85	Environmental Crime <u>and Consumer Fraud</u> Investigations	2 4
# 86	Investigator Safety	4 2
# 87	Surveillance.....	4
# 88	Professionalism and Ethics	4
# 89	High Tech Crimes and Computers	6 4
# 90	<u>DNA Collection and Usage</u>	2
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# 92	<u>Interview and Interrogation Update</u>	2
	<u>Minimum Instructional Hours</u>	<u>76</u>
	Administrative Time	2
	Presenter-developed Comprehensive Exam & Review	2
	 Total Minimum Required Hours	 80

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SPECIFICATIONS FOR LEARNING DOMAIN #70 ROLE AND AUTHORITY OF THE DISTRICT ATTORNEY INVESTIGATOR

~~January 1, 2002~~ Effective 30 days after filing with the Secretary of State

I LEARNING NEED

Students need to know and understand the role and authority of the District Attorney Investigator.

II. LEARNING OBJECTIVES

A. Identify ~~C~~ constitutional and statutory authority and mandates, including:

1. State Constitution
2. Government Code
3. Penal Code
4. Business and Profession Code
5. Family Code
6. Civil Code
7. Election Code
8. Case law
9. Subpoena power and additional authorities

B. Discuss the H ~~h~~ history and authority of the District Attorney Investigator

C. Identify the R ~~R~~ ole and duties/functions of the District Attorney Investigator, including:

1. Pre/post complaint investigation
2. District Attorney Investigator vs. general law enforcement function
3. Distinction between “investigating” a case and “making” a case for criminal purposes

D. Identify the W ~~W~~ orking relationships with:

1. DA/Legal staff
2. Law enforcement community
3. Legal community

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4. News media
5. General public
- E. Discuss the Common ethical issues encountered by the District Attorney Investigator, including:
 1. ~~Discovery~~
 2. ~~Conflict of interest~~
 3. ~~Contact with defendants represented by counsel~~
 4. ~~Confidentiality~~
 5. ~~Political activities~~
 6. ~~Ex parte communication with Judges~~
 7. ~~Contact with witnesses and Informants~~
 8. ~~Agent of Attorney (state bar rules apply)~~
- F. Recognize Rehabilitations/pardons

III. REQUIRED TESTS

The presenter-developed comprehensive test will include items from this domain.

IV. REQUIRED ~~INSTRUCTIONAL~~ LEARNING ACTIVITIES

~~None~~ The student will participate in one or more learning activities that address contemporary or emerging issues relevant to the role and authority of a District Attorney Investigator.

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum of **68 hours** of instruction on the role and authority of the district attorney investigator.

VI. ORIGATION DATE

January 1, 2002

VII. REVISION DATE

Effective 30 days after filing with the Secretary of State

INVESTIGATION AND TRIAL PREPARATION COURSE

SPECIFICATIONS FOR LEARNING DOMAIN #71 COURT PROCESSES, MOTIONS, GRAND JURY

~~January 1, 2002~~ Effective 30 days after filing with the Secretary of State

I. LEARNING NEED

Students need ~~an understanding and working knowledge to know and understand~~ of court criminal processes and procedures, and the role and authority of the Grand Jury.

II. LEARNING OBJECTIVES

A. Give examples of the investigator's role in:

1. Charging
2. Defendant's appearance in court
3. Preliminary hearing (including Proposition 115)
4. Superior court arraignment
5. Pre-trial motions including:
 - a. Bail
 - b. Discovery
 - c. Motions in Limine
6. Disposition without trial
7. Trial
8. Post-trial motions
9. Death penalty phase trial
10. Jury verdict impeachment
11. Post-sentence motions
12. Certificates of Rehabilitation [P.C. 1203.4(a)]
13. Lifer hearings

B. Recall the ~~R~~ole and authority of Grand Juries, including:

1. Tactical considerations
 - a. Oversight role

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- b. Investigative vs. indictment
2. Selection process/composition
 - a. Background investigations
3. Confidentiality
4. Subpoenas/SDT
5. Indictments
6. ~~Accusation~~

III. REQUIRED TESTS

The presenter-developed comprehensive test will include items from this domain.

IV. REQUIRED ~~INSTRUCTIONAL~~LEARNING ACTIVITIES

None

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum of **4 hours** of instruction on the court process, motion and grand juries.

VI. ORINATION DATE

January 1, 2002

VII. REVISION DATE

Effective 30 days after filing with the Secretary of State

INVESTIGATION AND TRIAL PREPARATION COURSE

SPECIFICATIONS FOR LEARNING DOMAIN #72 CIVIL PROCESS

January 1, 2002

I. LEARNING NEED

Students need to understand and have a working knowledge of civil process and procedures.

II. LEARNING OBJECTIVES

A. Civil processes available to the investigator, including:

1. Code of Civil Procedure
 - a. Inspection warrants
 - b. Depositions
2. Summons process and service
3. Subpoena/ SDT process and service
4. Penalties and remedies
5. Administrative processes
6. Civil subpoena fee requirements for peace officers

III. REQUIRED TESTS

The presenter developed comprehensive test will include items from this domain.

IV. Required INSTRUCTIONAL ACTIVITIES

None

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum of **2 hours** of instruction on the civil process.

VI. Origination Date

January 1, 2002

INVESTIGATION AND TRIAL PREPARATION COURSE

SPECIFICATIONS FOR LEARNING DOMAIN #73 CONCEPTS OF EVIDENCE, SEARCH, AND SEIZURE

~~January 1, 2002~~ Effective 30 days after filing with the Secretary of State

I. LEARNING NEED

Students need ~~an understanding to know and understand~~ working knowledge of concepts and admissibility of evidence, including search and seizure.

II. LEARNING OBJECTIVES

A. Explain how the Application of Evidence Code applies in the following:

1. Corroboration
2. Impeachment
3. Admissibility of rebuttal evidence
4. Prior statements/testimony
5. Privileges/in camera hearings
6. Hearsay and exceptions
7. Best evidence
8. 1538 Evidence Code- Prior identification by witnesses
9. 353 Evidence Code
10. Co-Defendant Statements (e.g., Aranda)
11. 402 Hearing

B. Describe the Types, appropriate uses, and affidavit construction of search and arrest warrants, including legal aspects of service and return, for the following:

1. Contingency Warrants
2. Surreptitious Entry Warrants
3. Sealed
4. Steagald
5. Skelton

INVESTIGATION AND TRIAL PREPARATION COURSE

6. Telephonic search warrants
 7. Telephone records searches
 8. Pin registers (DNR)
 9. Special Masters
 10. Extensions of time
 11. Ramey Warrants
 12. Code of Civil Procedures 187
 13. Unlawful flight to avoid prosecution (UFAP)
 14. Extradition
 15. Rendition
 16. Body attachments
 17. Wire tap
- C. Discuss ~~C~~urrent legal issues involving search and seizure laws concerning the following:
1. Consent
 2. Vehicle
 3. Persons
 4. Buildings
 5. Containers
- D. Identify ~~I~~legal aspects of physical evidence, including:
1. Chain of custody and authentication
 2. Body evidence
 3. Handwriting exemplars and directed writings
 4. Release and/or other disposition of evidence

III. REQUIRED TESTS

The presenter-developed comprehensive test will include items from this domain.

INVESTIGATION AND TRIAL PREPARATION COURSE

IV. REQUIRED ~~INSTRUCTIONAL~~LEARNING ACTIVITIES

None

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum of **4 hours** of instruction on concepts of evidence, search, and seizure.

VI. ORIGATION DATE

January 1, 2002

VII. REVISION DATE

Effective 30 days after filing with the Secretary of State

DRAFT

INVESTIGATION AND TRIAL PREPARATION COURSE

SPECIFICATIONS FOR LEARNING DOMAIN #74 INVESTIGATIVE AND SURVEILLANCE TECHNIQUES

~~January 1, 2002~~ Effective 30 days after filing with the Secretary of State

I. LEARNING NEED

Students need to know and an understanding of various investigative techniques, including sources of information, investigative tools, use of surveillance equipment, and interviewing.

II. LEARNING OBJECTIVES

A. Describe the ~~L~~legal limitations and procedures for obtaining records information from:

1. Public agencies
 - a. State and Federal Public Information Act
2. Private agencies
 - a. Right to Financial Privacy Act (Government Code)

B. List the ~~I~~information and services available from the following information sources and commercial on-line systems:

1. DMV off-line services
2. Law Enforcement Intelligence Unit (LEIU)
3. DOJ off-line services
4. CDC Law Enforcement Automated Data Service (LEADS)
5. FBI off-line services
6. Internet
7. On-line public records databases (e.g., Choice Point, Lexus Nexus, West Law)
8. Megan's Law
9. Technology to Recover Abducted Kids (TRAK) System

C. Explain the ~~P~~rovisions of the Education Code concerning access to students and school records

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- D. Identify the Legality and use of:
1. Hypnosis
 2. Polygraph
 3. Electronic surveillance
 4. Voice stress analysis
- E. Give examples of Physical evidence techniques, including:
- ~~1. Genetic Fingerprinting (DNA Analysis)~~
 21. Cal ID
 32. Cal Photo
 43. Audio/video enhancements
 54. Public and private sources
- F. Discuss Legal and practical concerns related to:
1. Recordings (audio/visual/digital)
 - a. Interviews
 - b. Surreptitious
 2. Preservation of notes/recordings
 3. Miranda update
- G. Describe Procedures for conducting a line-up, including:
1. Live and video line-up (including Evans)
 2. Photo line-up
 3. Object identification (guns, hats, clothing, etc.)
- H. Discuss Major case management techniques
1. Voluminous evidence issues
 2. Multiple victims/defendants/jurisdiction
 3. Organizational systems

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III. LEARNING OBJECTIVES

- A. Discuss the importance of conducting lawful, safe and effective surveillance operations
- B. Recall the legal issues associated with surveillance, including:
 - 1. Lawful intrusion into areas where an expectation of privacy exists
 - 2. Creation of law enforcement files
 - a. Surveillance log
 - 3. Wiretaps (confidential communications)
 - 4. Application of traffic laws
- C. List resources available to support a surveillance operation, including:
 - 1. Aerial support
 - 2. DOJ resource pool

IIIIV. REQUIRED TESTS

The presenter-developed comprehensive test will include items from this domain.

IVV. REQUIRED ~~INSTRUCTIONAL~~ LEARNING ACTIVITIES

None

VVI. HOURLY REQUIREMENTS

Students shall be provided with a minimum of **46 hours** of instruction on investigative techniques.

VVII. ORIGATION DATE

January 1, 2002

VIII. REVISION DATE

Effective 30 days after filing with the Secretary of State

INVESTIGATION AND TRIAL PREPARATION COURSE

SPECIFICATIONS FOR LEARNING DOMAIN #75 VICTIM, WITNESS AND INFORMANT MANAGEMENT

~~January 1, 2002~~ Effective 30 days after filing with the Secretary of State

I. LEARNING NEED

Students need to know and understand the proper procedures to use when dealing with victims, witnesses, and informants.

II. LEARNING OBJECTIVES

A. Discuss ~~issues~~ related to the management of informants including:

1. "Jailhouse informants"
2. Non-custodial defendants/informants

B. Give examples of ~~Legal~~ and practical issues in dealing with victims/witnesses, to include:

1. Identification, location, and subpoenaing
 - a. Out of local area witness
 - (1) Uniform Witness Act
 - b. Witness from foreign countries
 - (1) Formal
 - (2) Informal
2. Due diligence
3. Background checks
4. Dealing with reluctant/uncooperative victims/witnesses (e.g., bond and warrant, 878 et seq, and PC 1332 and CCP 1988)
5. Victim/witness unit liaison
6. Witness expenses and fees
7. In-custody witnesses, including logistics
8. Practical aspects of airline transportation /F.A.A. regulations
9. Americans with Disabilities Act (ADA) considerations

INVESTIGATION AND TRIAL PREPARATION COURSE

10. Victim/witness transportation and coordination

C. Identify ~~L~~legal and practical considerations in protecting witness, including:

1. Witness ~~Protecting~~Protection programs

- a. Local
- b. State
- c. Federal

2. Change of identity issues

3. Intimidation issues

- a. PC 136

D. Explain ~~M~~methods for selecting expert witness, including:

1. Financial considerations
2. Transcripts on prior testimony

E. Identify ~~E~~elements of a conditional witness examination (PC 1335 - 1362), including:

1. Video recordings
2. Legal restrictions

III. REQUIRED TESTS

The presenter-developed comprehensive test will include items from this domain.

IV. REQUIRED INSTRUCTIONAL LEARNING ACTIVITIES

None

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum of **4 hours** of instruction on victim, witness and informant management.

VI. ORINATION DATE

January 1, 2002

VII. REVISION DATE

Effective 30 days after filing with the Secretary of State

INVESTIGATION AND TRIAL PREPARATION COURSE

SPECIFICATIONS FOR LEARNING DOMAIN #76 TRIAL PREPARATION AND SUPPORT

~~January 1, 2002~~ Effective 30 days after filing with the Secretary of State

I. LEARNING NEED

Students need to ~~understand~~know and ~~have a working knowledge of~~understand the techniques of trial/case preparation and support.

II. LEARNING OBJECTIVES

A. ~~Critical analysis of~~Analyze case file reports to determine deficiencies and weaknesses

B. Define Ppriors

1. Three strikes
2. PC 969(b) - Prison priors

C. Identify Pprocedures for obtaining and/or preparing exhibits or demonstrations of evidence, including:

1. Demonstrative exhibits/models
2. Photographs (including aerial photography)
3. Audio/visual/digital
 - a. Editing
 - b. Filtering
4. Diagrams
5. Maps
6. Computer generated exhibits (i.e., PowerPoint, LCD projectors)
7. Jury considerations (i.e., comprehension and attention span)

D. Determine the Ptactical role of the investigator during trial, including:

1. Investigating officer
2. Jury selection
3. Assist in formulation of trial strategy in consultation with the Deputy District Attorney

INVESTIGATION AND TRIAL PREPARATION COURSE

4. Solving unanticipated problems:
 - a. Interviews
 - b. Backgrounds
 - c. Equipment/videos
 - d. Physical evidence
 - e. Locating missing witnesses
 - f. Victim/witness security

III. REQUIRED TESTS

The presenter-developed comprehensive test will include items from this domain.

IV. REQUIRED ~~INSTRUCTIONAL~~LEARNING ACTIVITIES

~~The student will be required to review a case file and discuss possible investigative and trial strategies.~~ Given a simulated case study or equivalent material provided by the presenter, the student will participate in one or more learning activities that address the review, strategies, analysis and tactical role of an investigator in trial preparation.

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum of **68 hours** of instruction on trial preparation and support.

VI. ORIGATION DATE

January 1, 2002

VII. REVISION DATE

Effective 30 days after filing with the Secretary of State

INVESTIGATION AND TRIAL PREPARATION COURSE

SPECIFICATIONS FOR LEARNING DOMAIN #77 FAMILY SUPPORT INVESTIGATIONS

January 1, 2002

I. LEARNING NEED

Students need to understand the legal aspects and investigative techniques of family support investigations.

II. LEARNING OBJECTIVES

- A. Determination of paternity
- B. Failure to provide
- C. Welfare/public assistance
- D. Civil vs. criminal remedies
- E. Title IV—D of the Social Security Act (Federal)
- F. Security of and access to records

III. REQUIRED TESTS

The presenter developed comprehensive test will include items from this domain.

IV. INSTRUCTIONAL ACTIVITIES

None

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum of **2 hours** of instruction on family support investigations.

VI. ORIGINATION DATE

January 1, 2002

INVESTIGATION AND TRIAL PREPARATION COURSE

SPECIFICATIONS FOR LEARNING DOMAIN #78 CHILD ABDUCTION INVESTIGATION

~~January 1, 2002~~ Effective 30 days after filing with the Secretary of State

I. LEARNING NEED

Students need to know and understand the legal aspects and investigative techniques of civil liabilities related to child abduction investigations.

II. LEARNING OBJECTIVES

A. Identify ~~C~~ civil mandates and laws

B. Identify ~~C~~ criminal remedies

C. Describe ~~R~~ recovery and placement of children

D. Identify ~~I~~ international abductions

E. Discuss ~~T~~ treaties

1. ~~Parental Kidnapping Prevention (PKPA)~~

2. Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)

3. Hague Treaty Convention on the International Aspects of Child Abduction

F. Recognize potential civil liabilities for investigators

III. REQUIRED TESTS

The presenter-developed comprehensive test will include items from this domain.

IV. ~~INSTRUCTIONAL~~ LEARNING ACTIVITIES

None

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum of **2 hours** of instruction on child abduction investigations.

VI. ORIGINATION DATE

January 1, 2002

VII. REVISION DATE

Effective 30 days after filing with the Secretary of State

INVESTIGATION AND TRIAL PREPARATION COURSE

SPECIFICATIONS FOR LEARNING DOMAIN #79 FINANCIAL CRIME AND PUBLIC ASSISTANCE FRAUD INVESTIGATIONS

~~January 1, 2002~~ Effective 30 days after filing with the Secretary of State

I. LEARNING NEED

Students need to know and understand the legal aspects and investigative techniques of financial crime and public assistance fraud investigations.

II. LEARNING OBJECTIVES

A. Recognize the crime elements of insurance fraud, including:

1. Auto
2. Workers Compensation

~~B. Consumer fraud~~

- ~~1. Civil~~
- ~~2. Criminal~~
- ~~3. Regulatory~~
- ~~4. Administrative~~

B. Recognize the crime elements of real estate fraud

C. Identify the legal aspects and investigative techniques involved in asset forfeiture

D. Discuss theories of theft

E. Identify the legal aspects and investigative techniques of securities law

F. Recognize the elements for crimes against the elderly/dependent adults

G. Recognize the elements for crimes involving Welfare Fraud

H. Recognize the elements for crimes involving Identity Theft

I. State the intent of Title IV – A of the Social Security Act (Federal)

J. Define Early Fraud

K. Define Ongoing Fraud

L. Identify the legal aspects and investigative techniques of child care program fraud

INVESTIGATION AND TRIAL PREPARATION COURSE

M. Identify the legal aspects and investigative techniques of medical fraud

N. Identify the legal aspects and investigative techniques for food stamp stings

O. Identify the legal aspects and investigative techniques of internal theft

III. REQUIRED TESTS

The presenter-developed comprehensive test will include items from this domain.

IV. ~~INSTRUCTIONAL~~ LEARNING ACTIVITIES

None

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum of **4 hours** of instruction on financial crime investigations

VI. ORIGINATION DATE

January 1, 2002

VI. REVISION DATE

Effective 30 days after filing with the Secretary of State

INVESTIGATION AND TRIAL PREPARATION COURSE

SPECIFICATIONS FOR LEARNING DOMAIN #80 PUBLIC ASSISTANCE FRAUD INVESTIGATION

January 1, 2002

I. LEARNING NEED

Students need to understand the legal aspects and investigative techniques of public assistance fraud investigations.

II. LEARNING OBJECTIVES

A. Title IV A of the Social Security Act (Federal)

B. Early Fraud

C. Ongoing Fraud

D. Child care program fraud

D. Medi-Cal fraud

E. Food stamp stings

F. Internal theft

III. REQUIRED TESTS

The presenter developed comprehensive test will include items from this domain.

IV. INSTRUCTIONAL ACTIVITIES

None

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum of **2 hours** of instruction on public assistance fraud investigations.

VI. ORINATION DATE

January 1, 2002

INVESTIGATION AND TRIAL PREPARATION COURSE

SPECIFICATIONS FOR LEARNING DOMAIN #81 CRIMES COMMITTED BY PUBLIC OFFICIALS/OFFICERS

~~January 1, 2002~~ Effective 30 days after filing with the Secretary of State

I. LEARNING NEED

Students need to know and understand the legal aspects and investigative techniques of crimes committed by public officials and public officers.

II. LEARNING OBJECTIVES

A. Recognize the legal aspects and investigative techniques for Misconduct by public officials, public employees, candidates, and campaign workers, including:

1. Political Reform Act
2. Theft of public funds
3. Bribery
4. Conflict of interest
5. Brown Act violations
6. Government records crimes

B. Recognize the legal aspects and investigative techniques for Crimes against the ~~administration of justice~~ judicial process, including:

1. Perjury
2. Subornation of perjury
3. Falsification of evidence
4. Obstruction of justice
5. Jury tampering

~~C. Investigative Techniques~~

- ~~1. P.C. 832.7 Access to peace officer records~~

~~D. Crimes committed by peace officers~~

- ~~1. Filing false reports~~
- ~~2. Theft of evidence~~

INVESTIGATION AND TRIAL PREPARATION COURSE

- 3.—Perjury
- 4.—Unlawful release of confidential records
- 5.—Conflict of interest
- 6.—Bribery
- 7.—Weapons violations
- 8.—Domestic violence
- 9.—Worker's compensation fraud
- 10.—Insurance fraud
- 11.—Assault under the color of authority
- 12.—Theft and embezzlement

III. REQUIRED TESTS

The presenter-developed comprehensive test will include items from this domain.

IV. INSTRUCTIONAL LEARNING ACTIVITIES

The student will be required to investigate a case, evaluate possible violations and report findings, participate in one or more learning activities that will identify actions to be taken during an investigation of crimes committed by public officials. At a minimum, the activity or combination of activities must address:

1. Initial steps or techniques
2. Evaluating possible violations
3. Establishing the elements of the crime(s)
4. Reporting findings

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum of **4 hours** of instruction on crimes committed by public officials.

VI. ORINATION DATE

January 1, 2002

VII. REVISION DATE

Effective 30 days after filing with the Secretary of State

INVESTIGATION AND TRIAL PREPARATION COURSE

SPECIFICATIONS FOR LEARNING DOMAIN #82 SPECIAL VICTIM INVESTIGATIONS

~~January 1, 2002~~ Effective 30 days after filing with the Secretary of State

I. LEARNING NEED

Students need to know and understand the legal aspects and investigative techniques of special victim investigations.

II. LEARNING OBJECTIVES

A. Recognize the legal aspects and investigative techniques for ~~E~~lder/dependent adult abuse (P.C. 368), including:

1. Sexual
2. Physical
 - a. Abuse
 - b. Neglect
3. Emotional
4. Financial
 - a. Undue Influence
5. Mandated Reporting

B. Recognize the legal aspects and investigative techniques for ~~C~~child abuse, including:

1. Sexual
2. Physical
3. Emotional
4. Drug Endangered Children (DEC)
5. Multidisciplinary Interview Team (MDIT)
6. Sexually violent predators
7. Mandated Reporting

INVESTIGATION AND TRIAL PREPARATION COURSE

C. Recognize the legal aspects and investigative techniques for Domestic violence, including:

1. Stalking

D. Recognize the legal aspects and investigative techniques for Sexual assault, including:

1. Adult

2. Custodial

3. Institutional

4. Statutory rape prosecution (SRVP)

~~E. Stalking~~

III. REQUIRED TESTS

The presenter-developed comprehensive test will include items from this domain.

IV. ~~INSTRUCTIONAL~~ LEARNING ACTIVITIES

None

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum of **4 hours** of instruction on special victim investigations.

VI. ORIGINATION DATE

January 1, 2002

VII. REVISION DATE

Effective 30 days after filing with the Secretary of State

INVESTIGATION AND TRIAL PREPARATION COURSE

SPECIFICATIONS FOR LEARNING DOMAIN #83 GANG ACTIVITY INVESTIGATION

~~January 1, 2002~~ Effective 30 days after filing with the Secretary of State

I. LEARNING NEED

Students need to know and understand the legal aspects and investigative techniques ~~of~~ for gang-related ~~activity investigations~~ incidents.

II. LEARNING OBJECTIVES

A. Recognize the legal aspects and investigative techniques for gang-related incidents to include:

~~A.1.~~ Narcotics and dangerous drugs

~~B.2.~~ Conspiracy

~~C.3.~~ Witness intimidation

~~D.4.~~ Jury tampering

~~E.5.~~ Money laundering

~~F.6.~~ Coordination with local/regional task forces

7. Identifying characteristics and crime trends associated with criminal street gangs

8. Counterfeiting

9. Identity Theft

B. State the intent of the Street Terrorism Enforcement Program (STEP)

III. REQUIRED TESTS

The presenter-developed comprehensive test will include items from this domain.

IV. ~~INSTRUCTIONAL~~ LEARNING ACTIVITIES

None

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum of **4 hours** of instruction on gang activity investigations.

INVESTIGATION AND TRIAL PREPARATION COURSE

VI. ORIGINATION DATE

January 1, 2002

VII. REVISION DATE

Effective 30 days after filing with the Secretary of State

DRAFT

INVESTIGATION AND TRIAL PREPARATION COURSE

SPECIFICATIONS FOR LEARNING DOMAIN #84 OFFICER INVOLVED INCIDENTS

~~January 1, 2002~~ Effective 30 days after filing with the Secretary of State

I. LEARNING NEED

Students need to know and understand the legal aspects and investigative techniques used in the investigation of officer-involved incidents.

II. LEARNING OBJECTIVES

- A. Identify the role of the District Attorney Investigator in the investigation of officer-involved ~~Fatalities~~ fatal incidents, including custodial deaths
- B. Identify the role of the District Attorney Investigator in the investigation of officer-involved ~~Use of excessive force (non-fatal)~~ incidents

II. REQUIRED TESTS

The presenter-developed comprehensive test will include items from this domain.

IV. ~~INSTRUCTIONAL~~ LEARNING ACTIVITIES

None

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum of **4 hours** of instruction on officer-involved incidents.

VI. ORIGINATION DATE

January 1, 2002

VII. REVISION DATE

Effective 30 days after filing with the Secretary of State

INVESTIGATION AND TRIAL PREPARATION COURSE

SPECIFICATIONS FOR LEARNING DOMAIN #85 ENVIRONMENTAL CRIME AND CONSUMER FRAUD INVESTIGATIONS

~~January 1, 2002~~ Effective 30 days after filing with the Secretary of State

I. LEARNING NEED

Students need to know and understand civil process and procedures, and the legal aspects and investigative techniques of environmental crime investigations.

II. LEARNING OBJECTIVES

A. Recognize the legal aspects and investigative techniques for environmental crime incidents to include:

~~A.1.~~ Spills

~~B.2.~~ Intentional dumps

~~C.3.~~ Illegal storage

~~D.4.~~ Transportation issues

~~E.5.~~ Safety considerations

~~F.6.~~ Homicide vs. accident

~~I.7.~~ OSHA

~~G.~~ Investigative techniques

~~H.8.~~ Evidence collection

~~I.9.~~ Task force approach

B. Recognize the legal aspects and investigative techniques for consumer fraud crimes to include:

1. Civil

2. Criminal

3. Regulatory

4. Administrative

INVESTIGATION AND TRIAL PREPARATION COURSE

C. Explain the civil processes available to the investigator, including:

1. Code of Civil Procedure

a. Inspection warrants

b. Depositions

2. Identify the summons process and service

3. Identify the subpoena/ SDT process and service

4. Recall penalties and remedies

5. Identify the administrative processes

6. List the civil subpoena fee requirements for peace officers

III. REQUIRED TESTS

The presenter-developed comprehensive test will include items from this domain.

IV. ~~INSTRUCTIONAL~~ LEARNING ACTIVITIES

None

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum of **24 hours** of instruction on environmental and consumer fraud crime investigations.

VI. ORINATION DATE

January 1, 2002

VII. REVISION DATE

Effective 30 days after filing with the Secretary of State

INVESTIGATION AND TRIAL PREPARATION COURSE

SPECIFICATIONS FOR LEARNING DOMAIN #86 INVESTIGATOR SAFETY

~~January 1, 2002~~ Effective 30 days after filing with the Secretary of State

I. LEARNING NEED

Students need to know and understand the safety considerations necessary for plainclothes investigators.

II. LEARNING OBJECTIVES

A. Demonstrate safety techniques specific to plainclothes investigators, including:

1. Arrest situations
2. Serving court process (e.g., warrants, subpoenas, etc.)
3. Search warrant service considerations
 - a. Planning
4. Covering uniformed /plainclothes officers
5. Identification issues
 - a. High-risk crime responses (e.g., burglary, robbery, etc.)
 - b. Tactical vs. plainclothes
6. Prisoner Transportation
 - a. Restraint devices
 - b. Removal orders
7. Personal and family safety considerations
8. "Will to survive"

III. REQUIRED TESTS

None

IV. REQUIRED INSTRUCTIONAL LEARNING ACTIVITIES

None

INVESTIGATION AND TRIAL PREPARATION COURSE

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum of **42 hours** of instruction on investigator safety.

VI. ORIGINATION DATE

January 1, 2002

VII. REVISION DATE

Effective 30 days after filing with the Secretary of State

DRAFT

INVESTIGATION AND TRIAL PREPARATION COURSE

SPECIFICATIONS FOR LEARNING DOMAIN #87 SURVEILLANCE

January 1, 2002

I. LEARNING NEEDS

Students need an understanding and working knowledge of surveillance equipment and techniques.

II. LEARNING OBJECTIVES

A. Conducting lawful, safe and effective surveillance operations

B. Legal issues associated with surveillance, including:

1. Lawful intrusion into areas where an expectation of privacy exists

2. Creation of law enforcement files

a. Surveillance log

3. Wiretaps (confidential communications)

4. Application of traffic law

C. Jurisdictional protocols

D. Conditions which impact surveillance operations, including:

1. Vehicle

2. Driver

3. Roadway

4. Weather

5. Traffic

E. Surveillance methods, including:

1. Moving vs. static

a. Pedestrian

b. Vehicle

2. Photographic/optical

INVESTIGATION AND TRIAL PREPARATION COURSE

3. ~~Vision enhancement (e.g., night vision devices)~~

4. ~~Auditory~~

F. ~~Use, care, operations and capabilities of surveillance equipment, including:~~

1. ~~Optical~~

2. ~~Photographic~~

3. ~~Electronic equipment (e.g., body wires, bird dogs)~~

4. ~~Chemical samplers~~

G. ~~Resources available to support a surveillance operation~~

1. ~~Aerial support~~

2. ~~DOJ resource pool~~

III. ~~REQUIRED TESTS~~

~~The presenter developed comprehensive test will include items from this domain.~~

IV. ~~REQUIRED INSTRUCTIONAL ACTIVITIES~~

~~None~~

V. ~~HOURLY REQUIREMENTS~~

~~Students shall be provided with a minimum of 4 hours of instruction on surveillance.~~

VI. ~~ORIGINATION DATE~~

~~January 1, 2002~~

INVESTIGATION AND TRIAL PREPARATION COURSE

SPECIFICATIONS FOR LEARNING DOMAIN #88 PROFESSIONALISM AND ETHICS

~~January 1, 2002~~ Effective 30 days after filing with the Secretary of State

I. LEARNING NEED

Students need to know and understand ~~ing~~ of an investigator's professional, ethical and legal responsibilities.

II. LEARNING OBJECTIVES

- A. Discuss ~~T~~the duties and obligations of a peace officer as described in the *Law Enforcement Code of Ethics*
- B. Discuss ~~T~~the duties and obligations of a peace officer as described in the canons of the *Code of Professional Conduct and Responsibilities for Peace Officers*
- C. Give ~~E~~examples of and potential ramifications consequences of unethical and unprofessional conduct, including:
1. ~~Verbal abuse, discourtesy or inappropriate language~~
 2. ~~Discrimination/racism/sexual harassment~~
 3. ~~Unlawful use of force~~
 4. ~~Violation of a person's civil rights, including false arrest, unlawful detention and unlawful search/seizure~~
 5. ~~Substance abuse~~
 6. ~~Misuse/compromise confidential information or privileged communications~~
 7. ~~Theft or misappropriation of property or evidence~~
 8. ~~Obstruction or miscarriage of justice, including falsification or destruction of official documents, perjury, planting false evidence, "Code of Silence", and non-enforcement of specific laws by personal choice~~
 9. ~~Acceptance of gratuities~~
 10. ~~Inappropriate off-duty behavior~~
 11. ~~Converting on-duty contacts into off-duty relationships~~
- D. Explain why a peace officer (investigator) should respond to unethical and unprofessional conduct by another officer

INVESTIGATION AND TRIAL PREPARATION COURSE

E. Discuss solutions to unethical and unprofessional conduct encountered by an investigator.

III. REQUIRED TESTS

None

IV. ~~REQUIRED INSTRUCTIONAL~~ LEARNING ACTIVITIES

The student will participate in one or more learning activities ~~be required~~ that demonstrate the ability to critique a series of reenactment/descriptions of possible unethical or unprofessional conduct by an investigator. At a minimum, each activity or combination of activities must and will be required to include a discussion of the legal, professional and community relations consequences of the behavior.

V. HOURLY REQUIREMENTS

The students shall be provided with a minimum of **4 hours** of instruction on ethics and professionalism.

VI. ORINATION DATE

January 1, 2002

VII. REVISION DATE

Effective 30 days after filing with the Secretary of State

INVESTIGATION AND TRIAL PREPARATION COURSE

SPECIFICATIONS FOR LEARNING DOMAIN #89 HIGH TECH CRIMES AND COMPUTER

~~January 1, 2002~~ Effective 30 days after filing with the Secretary of State

I. LEARNING NEED

Students need to become familiar with computers, their use and using computers as an investigative tools and methods of gathering evidence into ~~an understanding and working knowledge of with computers, their use and using computers as an investigative tools and methods of gathering evidence into~~ investigate high tech crimes.

II. LEARNING OBJECTIVES

- A. List ~~C~~ computer system components
- B. Identify ~~C~~ computer storage devices
- C. Identify ~~C~~ computer peripheral devices
- D. Discuss ~~C~~ computer crimes in the United States
- E. Give examples of ~~M~~ major groups of computer crime, including:
 - 1. Crimes where the computer is the target of criminal activity
 - 2. Crimes where a computer is the instrumentality of the crime
 - 3. Crimes where the computer is a repository of evidence in criminal cases
- F. Identify ~~C~~ categories of computer crimes, including:
 - 1. Insider crimes
 - 2. Support of criminal enterprises (e.g., counterfeiting)
 - 3. Malicious hackers
 - 4. Telecommunications fraud
 - 5. Computer contaminations
 - 6. Child pornography
 - 7. Hate crimes
 - 8. Espionage
- G. Define Internet crime

INVESTIGATION AND TRIAL PREPARATION COURSE

- H. Identify the use of ~~S~~earch warrants and searches of computer data and equipment
- I. Recognize appropriate methods of ~~S~~eizure of computer data and equipment
- J. Identify ~~L~~egal aspects, evidence collection and investigative techniques of high tech crime investigations, including
 1. Use of computer to commit traditional crimes
 2. Unauthorized access or use of computers (PC 502)
 3. Theft of computer data
 4. Cell phone fraud
 5. Intellectual property
 6. Trade secrets
- K. Explain ~~C~~apabilities and advantages of using computers as an investigative tool, including:
 1. Spreadsheets
 2. Database
 3. Graphics
 - a. Visual Investigation Analysis (VIA)
 - b. Link analysis
 - c. Digital photography
 - d. Plotter
 - e. Scanners
 4. Document storage and retrieval

III. REQUIRED TESTS

The presenter-developed comprehensive test will include items from this domain.

IV. REQUIRED ~~INSTRUCTIONAL~~ LEARNING ACTIVITIES

None

INVESTIGATION AND TRIAL PREPARATION COURSE

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum of **64 hours** of instruction on high tech crimes and computers.

VI. ORINATION DATE

January 1, 2002

VII. REVISION DATE

Effective 30 days after filing with the Secretary of State

DRAFT

INVESTIGATION AND TRIAL PREPARATION COURSE

SPECIFICATIONS FOR LEARNING DOMAIN #90 DNA COLLECTION AND USAGE

Effective 30 days after filing with the Secretary of State

I. LEARNING NEED

Students need to know the applicable law and understand the methods for collection and use of DNA samples in the criminal justice system.

II. LEARNING OBJECTIVES

A. Discuss the purpose of DNA in the criminal justice system, including:

1. Use as evidence to identify, arrest, convict, or exonerate individuals

B. Explain the impact of DNA evidence on the duties performed by a District Attorney Investigator

C. Recognize the legal protocols (e.g., PC 296 et seq) for the collection, preservation and use of DNA samples, including:

1. Differentiate evidence versus collection

D. Demonstrate appropriate collection of DNA (e.g., buccal swab sample) using an approved DNA collection kit

E. Explain the process of submitting a DNA sample for lab analysis

F. Identify systems and databases that maintain DNA profiles and the types of information provided

G. Recognize the minimum information required for generating an inquiry into the systems and databases that maintain DNA profiles

III. REQUIRED TESTS

None

IV. REQUIRED LEARNING ACTIVITIES

The student will participate in one or more learning activities that demonstrate the ability to identify the components of an approved DNA collection kit, intended uses and how to submit a collected sample.

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum of **2 hours** of instruction on genetic fingerprinting (DNA).

INVESTIGATION AND TRIAL PREPARATION COURSE

VI. ORIGINATION DATE

Effective 30 days after filing with the Secretary of State

DRAFT

INVESTIGATION AND TRIAL PREPARATION COURSE

SPECIFICATIONS FOR LEARNING DOMAIN #91 JUVENILE PROCESS

Effective 30 days after filing with the Secretary of State

I. LEARNING NEED

Students need to know and distinguish the differences between juvenile and adult processing in the criminal justice system

II. LEARNING OBJECTIVES

A. Differentiate the legal requirements for processing of juveniles versus adults including:

1. Qualifying offenses
2. Differences between adult criminal system and juvenile court law

B. Recognize the conditions when admonishment of a juvenile's rights is or is not required

C. Recognize the conditions when a District Attorney Investigator must seek a waiver of a juvenile's rights

D. Distinguish the difference between juvenile and adult subpoena service, terms of probation and hearings

E. Recognize the situations in which a juvenile can be taken into temporary custody due to habitual disobedience or truancy

F. Explain the options available to a District Attorney Investigator for access to juvenile records

III. REQUIRED TESTS

None

IV. REQUIRED LEARNING ACTIVITIES

The student will participate in one or more learning activities regarding application of law to a facts specific circumstance to illustrate juvenile processing. At a minimum, the activity or activities must address filing, admonishment, subpoena service and access to records.

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum of 2 hours of instruction on the juvenile process.

VI. ORIGINATION DATE

Effective 30 days after filing with the Secretary of State

INVESTIGATION AND TRIAL PREPARATION COURSE

SPECIFICATIONS FOR LEARNING DOMAIN #92 INTERVIEW AND INTERROGATION UPDATE

Effective 30 days after filing with the Secretary of State

I. LEARNING NEED

Students need to know and understand effective practices in the application of interview and interrogation techniques for trial preparation.

II. LEARNING OBJECTIVES

- A. Differentiate between an interview and interrogation
- B. Give examples when Miranda admonishments must be given
- C. Describe the purpose and limitations of an interrogation
- D. Differentiate between an admission and confession
- E. Demonstrate appropriate techniques in the utility of interviews and interrogations, to include:
 - 1. Cognitive interviewing
 - 2. Documentation
 - 3. Admonishments (e.g., Miranda, Beheler)
 - 4. Implications for trial preparation
- F. Discuss the relationship between the District Attorney Investigator and the Deputy District Attorney regarding investigations and trial preparation.

III. REQUIRED TESTS

None

IV. REQUIRED LEARNING ACTIVITIES

The student will participate in one or more learning activities that will demonstrate interview and interrogation techniques in a real-time setting. At a minimum, the activity or activities must address, cognitive interviewing and documentation.

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum of **2 hours** of instruction on interview and interrogation update.

INVESTIGATION AND TRIAL PREPARATION COURSE

VI. ORIGINATION DATE

Effective 30 days after filing with the Secretary of State

DRAFT

Basic Course Workbook Series Student Materials

**Learning Domain 18
Investigative Report Writing
Version 3.1**

**Basic Course Workbook Series
Student Materials
Learning Domain 18
Investigative Report Writing
Version 3.1**

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THE ACADEMY TRAINING MISSION

The primary mission of basic training is to prepare students mentally, morally, and physically to advance into a field training program, assume the responsibilities, and execute the duties of a peace officer in society.

FOREWORD

The California Commission on Peace Officer Standards and Training sincerely appreciates the efforts of the many curriculum consultants, academy instructors, directors and coordinators who contributed to the development of this workbook. The Commission extends its thanks to California law enforcement agency executives who offered personnel to participate in the development of these training materials.

This student workbook is part of the POST Basic Course Training System. The workbook component of this system provides a self-study document for every learning domain in the Basic Course. Each workbook is intended to be a supplement to, not a substitute for, classroom instruction. The objective of the system is to improve academy student learning and information retention.

The content of each workbook is organized into sequenced learning modules to meet requirements as prescribed both by California law and the POST Training and Testing Specifications for the Basic Course.

It is our hope that the collective wisdom and experience of all who contributed to this workbook will help you, the student, to successfully complete the Basic Course and to enjoy a safe and rewarding career as a peace officer serving the communities of California.

A handwritten signature in black ink, appearing to read 'Paul Cappitelli', with a stylized flourish at the end.

PAUL CAPPITELLI
Executive Director

LD18: Investigative Report Writing

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Preface

Introduction

Student workbooks

The student workbooks are part of the POST Basic Course Instructional System. This system is designed to provide students with a self-study document to be used in preparation for classroom training.

Regular Basic Course training requirement

Completion of the Regular Basic Course is required, prior to exercising peace officer powers, as recognized in the California Penal Code and where the POST-required standard is the POST Regular Basic Course.

Student workbook elements

The following elements are included in each workbook:

- chapter contents, including a synopsis of key points,
 - supplementary material, and
 - a glossary of terms used in this workbook.
-

How to Use the Student Workbook

Introduction

This workbook provides an introduction to the training requirements for this Learning Domain. It is intended to be used in several ways: for initial learning prior to classroom attendance, for test preparation, and for remedial training.

Workbook format

To use the workbook most effectively, follow the steps listed below.

Step	Action
1	Begin by reading the: Preface and How to Use the Workbook, which provide an overview of how the workbook fits into the POST Instructional System and how it should be used.
2	Refer to the Chapter Synopsis section at the end of each chapter to review the key points that support the chapter objectives.
3	Read the text.
4	Complete the Workbook Learning Activities at the end of each chapter. These activities reinforce the material taught in the chapter.
5	Refer to the Glossary section for a definition of important terms. The terms appear throughout the text and are bolded and underlined the first time they appear (e.g., <u>term</u>).

Chapter 1

Introduction to Investigative Report Writing

Overview

Learning need A peace officer's ability to clearly document the facts and activities of an investigation not only reflects on the officer's own professionalism, but also on the ability of the justice system to prosecute the criminal case.

Learning objectives The table below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to:	E.O. Code
<ul style="list-style-type: none">explain the legal basis for requiring investigative reports.	18.01.EO2

In this chapter This chapter focuses on background information regarding the writing of investigative reports. Refer to the following table for specific topics.

Topic	See Page
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Investigative Reports and the Judicial Process

[18.01.EO2]

Introduction

As much as 40% of a peace officer's work involves writing. Good investigative skills can be diminished if officers do not have the necessary writing skills to record their observations, findings, and actions clearly and concisely.

Investigative report

An **investigative report** is a written document prepared by a peace officer that records in detail the officer's observations and actions as they relate to a specific event or incident.

Each investigative report is a legal document that becomes a permanent written record of that event or incident.

Judicial process

A suspect's freedom, rights or privileges cannot be taken away or denied unless there is sufficient cause to justify such action.

In order to ensure *due process*, officers, prosecutors, judges, etc., must have sufficient information and evidence to initiate or continue the judicial process and successfully prosecute or exonerate a suspect.

Continued on next page

Investigative Reports and the Judicial Process, Continued

Officer's reports and the judicial process

The judicial process cannot function without the investigative reports written by the officers who have the direct knowledge of an event or incident.

An officer's report must present each event or incident in a complete and clear manner. Any investigation, arrest, prosecution, or other action taken must be initiated, supported, or justified by the information included in the report written by that officer.

Because peace officer's reports are so important to the judicial process, each one must be able to stand up to critical review and legal scrutiny.

Statutory requirement

State and federal statutes mandate that law enforcement agencies report certain events and incidents. *Penal Code Section 11107* requires each sheriff or police chief executive to furnish reports of specified misdemeanors and felonies to the Department of Justice.

Such reports must:

- describe the nature and character of each crime,
- note all particular circumstances of that crime, and
- include all additional or supplemental information pertaining to the suspected criminal activity.

Although the statutes are directed at the executive level, officers in the field are the ones who carry out the task of writing the reports. It is those officers reports that contain the information that will eventually be forwarded to the Department of Justice.

Continued on next page

Investigative Reports and the Judicial Process, Continued

Specified crimes

Specified misdemeanors and felonies that require investigative reports, as required under *Penal Code Section 11107*, include, but are not limited to:

- forgery,
 - fraud-bunco,
 - bombings,
 - receiving or selling stolen property,
 - safe and commercial burglary,
 - grand theft,
 - child abuse,
 - homicide,
 - threats,
 - offenses involving lost, stolen, found, pledged, or pawned property,
 - domestic abuse, and
 - sex crimes.
-

Failure to file a report

Peace officers have a legal and moral duty to investigate and report crimes or incidents that come to their attention. Failure to uphold this responsibility can have negative consequences for officers.

- Deliberate failure to report a crime may be considered a violation of agency regulations and grounds for disciplinary action.
 - Any officer who knowingly files a false report will be guilty of a crime. (*Penal Code Section 118.1*)
-

Continued on next page

Investigative Reports and the Judicial Process, Continued

Ethics

All reports are to be true, unbiased, and unprejudiced. These are easy words to say, but sometimes hard to live by. It is not always easy to know or find out the truth. Clearly it is the peace officer's moral obligation to seek the truth, lying is wrong. Truth and public trust cannot be separated.

Agency policies

Different agencies vary in their policies, regulations, and guidelines regarding the roles and responsibilities of peace officers for writing investigative reports.

It is the responsibility of each officer to be familiar with and follow that officer's specific agency policies.

Uses of Investigative Reports

Introduction

Even though it is the officer in the field who gathers the initial information regarding a crime, that officer may not be the person who must use that information to make decisions regarding further actions. Those decisions are usually made by other people removed from the actual event. They must rely on the information in the investigating officer's report to make decisions.

How investigative reports are used

The investigative reports written by peace officers have many different uses within the criminal justice system and beyond.

The following table identifies a number of ways investigative reports can be used.

Reports are used to...	by...
assist with the identification, apprehension and prosecution of criminals	<ul style="list-style-type: none">• serving as a source document for filing criminal complaints,• providing a record of all investigations,• providing information to identify the mode of operation of an individual offender, or• providing a basis for follow up investigations.
assist prosecutors, defense attorneys, and other law enforcement agencies	<ul style="list-style-type: none">• providing records of all investigations,• serving as source documents for criminal prosecution, or• documenting agency actions.

Continued on next page

Uses of Investigative Reports, Continued

**How
investigative
reports are
used**
(continued)

Reports are used to...	by...
assist officers prior to or during court appearances	<ul style="list-style-type: none"> • refreshing the officer's memory before testifying, or • preparing to provide hearsay testimony at preliminary hearings.
aid in determining potential civil liability	<ul style="list-style-type: none"> • documenting events such as: <ul style="list-style-type: none"> - accidents or injuries on city or county property, - industrial injuries, or - fires or other events that prompt a peace officer response. • presenting justification for an officer's behavior or actions.
assist decision makers and criminal justice researchers	<ul style="list-style-type: none"> • providing statistical information in order to: <ul style="list-style-type: none"> - analyze crime trends, - determine the need for additional employees and equipment, - determine personnel deployment requirements, - assess community needs, - generate uniform crime reports, or - identify specialized law enforcement needs. • satisfying mandatory reporting requirements for specific criminal acts. (e.g., child abuse, incidents of domestic violence, missing persons, etc.)

Continued on next page

Uses of Investigative Reports, Continued

**How
investigative
reports are
used**
(continued)

Reports are used to...	by...
serve as reference material	<ul style="list-style-type: none">• providing information to:<ul style="list-style-type: none">- the public- insurance companies,- the media, or- other local, state, and federal law enforcement agencies.
provide information for evaluating an officer's performance	<ul style="list-style-type: none">• giving the evaluating agency insight into the officer's ability to:<ul style="list-style-type: none">- write clearly, accurately, and mechanically (error-free),- demonstrate a knowledge of law,- demonstrate a knowledge of agency policies and procedures,- investigate criminal acts, and- recognize potential evidence and relevant information.

Continued on next page

Uses of Investigative Reports, Continued

User needs

Investigative reports must take into account the needs of each potential user of that report. The report must provide not only a clear word-picture of the event or incident but also the critical information necessary for those users to do their jobs.

Report users

The following table identifies a number of prospective users and how they will use an officer's investigative report.

Prospective Users	Purpose for Using an Officer's Investigative Report
Immediate supervisors and Field Training Officers	<ul style="list-style-type: none"> • To determine the next action (e.g., referral for further investigation, file a complaint, forward to a prosecutor, etc.) • To evaluate an officer's: <ul style="list-style-type: none"> - ability to convert observations and verbal information into a written format that others can use - performance during an investigation
Detectives and investigators	<ul style="list-style-type: none"> • To gather information to use during the follow up investigation of a specific event or incident • To clear or close out cases
Representatives of other law enforcement agencies	<ul style="list-style-type: none"> • To develop mandatory crime reports • To aid in further investigations (e.g., Highway Patrol, Fire Department)
Prosecuting and defense attorneys	<ul style="list-style-type: none"> • To prepare their cases • To determine if officers acted appropriately to ensure the rights of the suspect

Continued on next page

Uses of Investigative Reports, Continued

Report users
(continued)

Prospective Users	Purpose for Using an Officer's Investigative Report
Other attorneys	<ul style="list-style-type: none">• To evaluate the basis for civil litigation• To establish a basis for appeals
Parole, probations and custody personnel	<ul style="list-style-type: none">• To determine probation conditions• To set requirements for parole• To aid in classifying inmates based on special needs or security requirements
Involved parties	<ul style="list-style-type: none">• Under certain circumstances, victims, witnesses, or suspects may gain access for court preparation.
Media representatives	<ul style="list-style-type: none">• As a source of news material
Insurance agencies	<ul style="list-style-type: none">• To provide information for their own investigations• To verify claims

Characteristics of an Effective Investigative Report

Introduction

Peace officers are faced with a variety of events and incidents. The specific contents of an officer's reports must reflect that specific event or incident. Although the details may vary, there are six characteristics that all effective investigative reports have in common.

Characteristics of an effective report

No matter what type of investigative report is being written (i.e., arrest report, incident report, etc.) that report must be:

- **F**actual,
- **A**ccurate,
- **C**lear,
- **C**oncise,
- **C**omplete, and
- **T**imely.

Peace officers can use the acronym **FACCCT** to help them remember these characteristics.

Leadership

In a free and democratic society, all segments of the criminal justice system are open to public scrutiny and subject to public record. A police report is often the first and most significant documented account of a possible crime. As such, the police report is a fundamental instrument of democratic law enforcement. Therefore, we place high value on our officers' ability to write good reports. A good report is one that the officer is proud of and will stand the test of time. It must be factual, clear, concise, and complete. Accuracy and attention to detail will provide others in the criminal justice system with a clear picture of what happened.

Continued on next page

Characteristics of an Effective Investigative Report,

Continued

Factual

Critical decisions made based on an officer's investigative report require that each report be factual. Users of the report must have an exact and literal representation of the event or incident.

The factual report provides an *objective* accounting of the relevant facts related to the event or incident under investigation. Any conclusions made by the reporting officer must be based on *objective facts*. These facts must be articulated and documented within the body of the report.

Accurate

The decisions made and actions taken by the users of the report must be supported by accurate information. There must be *no inconsistencies or discrepancies* between what took place and what is documented in the officer's report.

If any specific information is found to be inaccurate, the credibility and reliability of the report itself may be jeopardized.

Accuracy is achieved by carefully, precisely, impartially, and honestly recording all relevant information.

Clear

An investigative report must speak for the investigating officer at a time when that officer is not present. There should be no doubt or confusion on what the investigating officer is reporting. If the information is not clear and understandable.

Continued on next page

Characteristics of an Effective Investigative Report,

Continued

Clear
(continued)

Clarity is achieved by the use of appropriate language and logical order. The following table identifies a number of factors that can affect the clarity of an investigative report.

Factor	Recommendations/Rationales
Organization of information	<ul style="list-style-type: none">• Information is easier for the reader to understand when facts and events are presented in chronological order.• Events relating to the incident should have clear and logical ties to one another.
Language used	<ul style="list-style-type: none">• Simple, common language will make the writer's meaning clear.• Readers do not need to be impressed, they need to be informed.• Slang or profanity should not be used unless it is in the form of an exact quote.
Writing mechanics	<ul style="list-style-type: none">• A poorly written or sloppy report can imply poor or sloppy investigative skills.• Proper use of commas and other punctuation marks can help convey the writer's meaning.• Writing in the first-person will help the reader clearly understand who did what or who said what.• Pronoun use must leave no doubt in the reader's mind as to exactly whom or what the writer is referring.• Errors in spelling, word choice, or grammar can distract readers.• Handwriting must be legible.

Continued on next page

Characteristics of an Effective Investigative Report,

Continued

Concise

Reports should be brief yet, contain all relevant information the users will need to do their jobs. Wordiness can make a report less readable and therefore less effective.

Accuracy, completeness, or clarity should never be sacrificed for the sake of brevity. The following table identifies a number of factors that can affect a writer's ability to write concisely.

Factor	Recommendations/Rationales
Word selection	<ul style="list-style-type: none">• Statements should be direct and concrete.• Use of abstract phrases can confuse or mislead the reader.• Plain English is the most effective way to convey information.• Do not use a synonym for a word, merely to avoid repeating a word. Using the exact word may seem less interesting, but it will eliminate misunderstanding.
Sentence structure and grammar	<ul style="list-style-type: none">• Sentences should be short yet complete (subject-verb-object).• Fragments can be misinterpreted or lead to confusion.• Long drawn out sentences can be confusing and misleading.
Relevance	<ul style="list-style-type: none">• Only the information that will be needed by the user should be included in the report.

Continued on next page

Characteristics of an Effective Investigative Report,

Continued

Complete

An officer's report must contain all the relevant information and facts the user of that report will need. If the user must contact the writer to gather additional information, the report is not complete.

A report is complete when...	Description
it presents a complete word-picture of the event or incident.	<ul style="list-style-type: none">• Descriptions are comprehensive.• Physical conditions are noted.• Users are able to visualize the scene.
there are no questions left in the user's mind regarding the event or incident.	<ul style="list-style-type: none">• Key information regarding the <i>what, when, where, who, how, and why</i> is recorded.• Facts are presented.• Statements are supported by details.• The order of events is clear and easy to follow.
the actions taken by officers are reported.	<ul style="list-style-type: none">• Actions are described.• Decisions are justified.• Statements regarding probable cause are present.
both supporting and conflicting information is presented.	<ul style="list-style-type: none">• Information that may conflict with stated conclusions or actions must also be included.• Investigators, prosecutors, etc. can only determine the merit of information that they are aware of.

NOTE: Report formats used by officers can vary. Some jurisdictions require that certain information be noted on a standardized form that is often used as the report's face sheet. Officers who use such formats must be sure that all relevant blocks or portions of the standardized forms are completed, even if the same information is duplicated in a later narrative.

Continued on next page

Characteristics of an Effective Investigative Report,

Continued

Timely

No decisions can be made or actions taken if an officer's report does not reach the users in a timely fashion. Evidence can be lost, suspects or witnesses may disappear, and the support and good will in the community can be lost if action toward resolving a case is delayed.

Common characteristics

The following table illustrates the six common characteristics of an effective investigative report.

Characteristic	Well Written	Poorly Written
F actual	The victim could not provide additional information about the suspect.	The victim could not remember what the guy looked like but thought he was a minority. There seems to be a number of those around lately.
A ccurate	On 1-5-99 at 16:00 hrs.	During the first part of the day shift...
C lear	She left for work at 0700 hrs. and returned for lunch at 1130 hrs.	She went to work as usual in the morning and when she came home for lunch like she always does she found the conditions stated as such.
C oncise	She discovered her TV and VCR were missing.	She looked around and she found some books knocked over. She looked around some more and noticed her TV and VCR were not where they were supposed to be.

Continued on next page

Characteristics of an Effective Investigative Report,

Continued

Common characteristics
(continued)

Characteristic	Well Written	Poorly Written
Complete	I told her that an evidence technician would be sent to her home.	I told her someone would follow up.
Timely	Officers should be aware of their own agency policies regarding when reports need to be submitted.	

Continued on next page

Chapter Synopsis

Learning need

A peace officer's ability to clearly document the facts and activities of an investigation not only reflects on the officer's own professionalism, but also on the ability of the justice system to prosecute the criminal case.

Investigative reports
[18.01.EO1]

An investigative report is a written document prepared by a peace officer that records in detail that officer's observations and actions as they relate to a specific event or incident.

Workbook Learning Activities

Introduction

To help you review and apply the material covered in this chapter, a selection of learning activities has been included. No answers are provided. However, by referring to the appropriate text, you should be able to prepare a response.

Activity questions

1. Why should the ability to take accurate field notes and to write effective investigative reports be *personally* important to a peace officer? Why is it legally important to the officer's agency?

Continued on next page

Workbook Learning Activities, Continued

Activity questions
(continued)

2. You are preparing to write the report after investigating a residential robbery where a number of expensive antiques were stolen. List the prospective users of that officer's report. Explain what decisions will be made or actions taken by each. What type of information will each be looking for within that officer's report?

Prospective Users	Decisions/Actions	Information Needed

Continued on next page

Workbook Learning Activities, Continued

Activity questions
(continued)

5. Complete the following table with the appropriate characteristics of an effective report represented by the letters FACCCT. In your own words, describe *why* each characteristic is important to the identified prospective users.

To be effective an investigative report must be...	Prospective Users		
	An investigator assigned to the case	A reporter from the local newspaper	A defense attorney
F			
A			
C			
C			
C			
T			

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

6. Read the following narrative from an officer's investigative report. Would it meet the FACCCT standard? If not, mark the specific statements that need improvement. Describe why and how each should be improved.

While I was patrolling on the street next to the city park, I saw a man who was in the park after closing hours stumble and fall down. He tried to get up but fell down a second time. When I stopped to check on the man, he appeared to be drunk. He was carrying a bag which contained a half empty can of beer. I asked him if he had been drinking and he said he had a few beers with a friend but was now on his way home. He also told me that the path through the park was a shortcut. I asked the man for ID and he produced his driver's license. I arrested the man because the man was drunk and had an open container of alcohol while being in the park after it was officially closed.

Continued on next page

Workbook Learning Activities, Continued

Additional classroom activities

Writing an investigative report that is factual, accurate, clear, concise, complete, and timely is a skill that requires practice. As part of the classroom activities, students will have the opportunity to enhance their own writing skills under the supervision of the instructor.

Chapter 2

Field Notes

Overview

Learning need Peace officers must recognize that the information gathered during their initial investigation in the field will become the foundation for their investigative reports.

Learning objectives The table below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to:	E.O. Code
<ul style="list-style-type: none">• discuss the importance of taking notes in preparation for writing reports.	18.02.EO6
<ul style="list-style-type: none">• apply appropriate actions for taking notes during a field interview.	18.02.EO2
<ul style="list-style-type: none">• distinguish between:<ul style="list-style-type: none">- opinion,- fact, and- conclusion.	18.02.EO3 18.02.EO4 18.02.EO5

Continued on next page

Overview, Continued

In this chapter This chapter focuses on taking field notes that will be used to write investigative reports. Refer to the following chart for specific topics.

Topic	See Page
Introduction to Field Notes	2-3
Notetaking Process During a Field Interview	2-9
Opinions, Facts, and Conclusions	2-15
Chapter Synopsis	2-18
Workbook Learning Activities	2-19

Introduction to Field Notes

[18.02.E06]

Introduction

The officers who investigate a crime or incident are responsible for providing the information other participants in the criminal justice system need to effectively do their jobs. Officers should rely on accurate sources of information when writing their reports.

Field notes

Field notes are abbreviated notations written by an officer in the field while investigating a specific incident or crime.

An officer's field notes are the **primary source** the officer will use when writing the investigative report. If the officer's field notes are incomplete, difficult to read, or poorly organized, they will be of little use to that officer.

NOTE: There are a number of formats and styles used when taking field notes. Officers should select the format or style they are comfortable with.

When to take notes

Field notes are recorded while information is fresh in the investigating officer's mind. They should be taken:

- at the scene of an event or incident,
 - when interviewing persons (e.g., victims, witness, suspects, etc.),
 - whenever an officer wishes to record specific facts for inclusion in the report, and
 - any time the officer wishes to remember specific details at a later time.
-

Continued on next page

Introduction to Field Notes, Continued

Important considerations

When determining what to include in their field notes, officers should consider the points noted in the following table.

Consideration	Explanation
Field notes are more reliable than an officer's memory.	<ul style="list-style-type: none">• An investigative report is often written several hours after the investigation of a specific event or incident has occurred.• Certain types of information such as statements, times, observations, addresses, etc., can be easily forgotten or confused with other information if not recorded while still fresh in the officer's mind.
Field notes are the primary source of information for the investigative report.	<ul style="list-style-type: none">• Well taken notes provide officers with the detailed information they will need to have in order to accurately write their reports.• Well organized notes will help officers capture vital information regarding the events, persons, statements, and other information related to the investigation.

Continued on next page

Introduction to Field Notes, Continued

Important considerations (continued)

Consideration	Explanation
Detailed field notes reduce the need to recontact the involved parties at a later time.	<ul style="list-style-type: none">• Complete field notes should contain enough information to answer any pertinent questions about the incident or persons involved.
Field notes can be used to defend the credibility of an investigative report.	<ul style="list-style-type: none">• An officer's field notes can be an indicator of that officer's thoroughness and efficiency as an investigator.• During a trial, an officer may be asked to identify the source the officer used when writing a specific report. If the officer relied on field notes the reliability and credibility of the report may be easier to defend.

NOTE: Field notes are discoverable in court. If kept, they should be prepared accordingly.

Information to include

Every event or incident is different; therefore, the facts and information the officer must gather will differ. An officer's field notes should contain the facts and information that will aid that officer in answering the questions *what, when, where, who, how, and why*.

Continued on next page

Introduction to Field Notes, Continued

Information to include
(continued)

The following table identifies some examples of the basic information officers should capture in their field notes.

	Basic Information	Examples of Additional Information
Victims and witnesses	<ul style="list-style-type: none"> • Full name • Age • Date of birth • Race • Sex • Telephone numbers (home, cellular, and work) • Address • Email address(s) 	<ul style="list-style-type: none"> • How to contact by phone and in person • Place to contact • Best time to contact • Place of employment (including address)
Occurrence	<ul style="list-style-type: none"> • Type of crime • Location • Date and time of incident • Date and time reported • Was physical evidence handled? <ul style="list-style-type: none"> - Who observed it? - To whom was it given? • Chain of custody for evidence • Direction of the suspect's flight • Type and description of weapon(s) • Threat made with weapon(s) • Direct statements made by the suspect (e.g., "I'll kill you!") • Case number • Assisting officer's actions 	<ul style="list-style-type: none"> • Person(s) involved <ul style="list-style-type: none"> - Informants - Reporting party - Victims - Witnesses - Suspects - Officers - Members of other agencies - Medical personnel - Members of the media

Continued on next page

Introduction to Field Notes, Continued

Information to include
(continued)

	Basic Information	Examples of Additional Information
Suspects	<ul style="list-style-type: none"> • Race • Sex • Age • Type of body build (i.e., heavyset, medium, small frame) • Approximate weight • Approximate height • Color of eyes • Color of hair • Hair style (e.g., long, short, curly) • Existence of facial hair • Clothing <ul style="list-style-type: none"> - Type (e.g., hats, jeans, jackets, etc.) - Color - Style (e.g., casual, conservative) • Prior knowledge of name and street name • Unusual physical attributes <ul style="list-style-type: none"> - Scars - Tattoos - Limp - Moles - Unusual odors - Missing teeth • Can the victim identify the suspect? 	<ul style="list-style-type: none"> • Unusual or memorable gestures • Speech peculiarities <ul style="list-style-type: none"> - Accents - Tone (e.g., loud, soft) - Pitch (e.g., high, low) - Speech disorders • Jewelry <ul style="list-style-type: none"> - Rings (identify which hand and finger) - Necklaces - Earrings - Body piercing • Right or left handed <ul style="list-style-type: none"> - Which hand was dominant? - Which hand held the weapon? - Which hand opened a door? - Where was a watch worn? • Any gang affiliation?

Continued on next page

Introduction to Field Notes, Continued

Incident specific information

The type of crime or incident will also indicate what specific information is required for the officer's notes.

For example, specific information for a burglary may include, but not be limited to:

- point of entry,
 - point of exit,
 - property damage,
 - types and value of property taken,
 - description of suspect's vehicle,
 - nature and location of evidence collected, or
 - unique characteristics of the crime.
-

Notetaking Process During a Field Interview

[18.02.EO2]

Introduction

The effectiveness of an officer's investigation may be dependent on that officer's ability to obtain information and statements from the involved parties.

Interviews

An **interview** is the process of gathering information from a person who has knowledge of the facts an officer will need to conduct an investigation.

Role of statements

The field notes taken by officers during an interview must be *clear, accurate* and *complete*.

Statements can be critical in tying together the specific facts of a specific incident or crime. The existence of some crime elements may only be revealed within the statements of witnesses, victims, and the suspects themselves.

Continued on next page

Notetaking Process During a Field Interview, Continued

Before the interview begins

Before beginning any field interview, officers should prepare properly. The following table identifies a number of actions the interviewing officer should take.

Actions Prior to the Actual Interview	Guidelines
Separate the involved parties	<ul style="list-style-type: none">• If possible, move the person to a location where there will be no interruptions or distractions.• Focus the person's attention on speaking with the officer rather than interacting with others.
Establish rapport	<ul style="list-style-type: none">• Tell the interviewee why the interview is being conducted.• Describe the interview process that will be followed.• Assure the person that by using this process, the officer will be able to gather that person's statement accurately.• Be courteous, considerate, and patient.• Control the interview by remaining calm and polite.

Recording the interview

Some officers may choose to use a small tape recorder while conducting an interview. Officers should be aware this may inhibit the person from talking freely. Electronic equipment can also malfunction, leaving the officer with little or no information.

Even if an officer is recording the interview, that officer should also take thorough and complete notes of the conversation.

Continued on next page

Notetaking Process During a Field Interview, Continued

Three step process

The most effective way for officers to gather clear, accurate, and complete information while conducting an interview is to use a systematic process. One such process involves the following three steps.

- Step One: Listen Attentively
Step Two: Take Notes and Ask Questions
Step Three: Verify Information
-

Step One: Listen attentively

In the first step of the process, the officer's focus should be strictly on the other person. The officer should be *listening* --- *not taking notes*.

The following table identifies a number of guidelines for officers during step one of the notetaking process.

Action	Guidelines
Ask the person to recount what has happened.	<ul style="list-style-type: none">• Allow the person to speak freely.• Have the person describe the incident just as that person understands it, using that person's own words.
Keep the person focused.	<ul style="list-style-type: none">• If the person begins to wander from the specific topic, guide the person back to the subject (i.e., "You mentioned that..." "Let's go back to...").• Maintain eye contact and use nonverbal gestures (e.g., nodding the head) to encourage the person.

Continued on next page

Notetaking Process During a Field Interview, Continued

Step One:
Listen
attentively
(continued)

Action	Guidelines
Listen carefully to what is being said.	<ul style="list-style-type: none">• Be particularly attentive to the essentials of the incident the person describes by including the:<ul style="list-style-type: none">- role of the person being interviewed (victim, witness, etc.),- type of crime, if any, that has been committed,- time of the occurrence, and- exact location of the person during the crime or incident.

Continued on next page

Notetaking Process During a Field Interview, Continued

**Step Two:
Take notes
and ask
questions**

When the person has finished, the officer can begin to write information. The following table identifies a number of guidelines for officers during step two of the process.

Action	Guidelines
Obtain identification information.	<ul style="list-style-type: none">• Confirm the person's role in the event or incident. (e.g., victim, witness, possible suspect, etc.)• Note the person's:<ul style="list-style-type: none">- complete name,- address and phone number (home, cellular, work and email address), and- any other information necessary for identification purposes.
Ask the interviewee to repeat their account of what happened.	<ul style="list-style-type: none">• Guide the interview by asking questions that will keep the person from becoming distracted and wandering from the point.• Stop the person and ask questions when necessary to clarify points.• Write down information in short statements, recording only the most important words.• If a statement is particularly important, quote the entire statement.
Ask additional questions.	<ul style="list-style-type: none">• Obtain detailed descriptions of property, suspects, etc.

Continued on next page

Notetaking Process During a Field Interview, Continued

Step Three: Verify information

For the investigative report to be reliable, the officer's field notes must be accurate. The following table identifies a number of guidelines for officers during step three of the process.

Actions	Guidelines
Review information with the person.	<ul style="list-style-type: none">• Repeat specific information to verify the information is accurate and complete.• Give the person an opportunity to add facts as necessary.
Ask for confirmation.	<ul style="list-style-type: none">• Have the person confirm important details such as:<ul style="list-style-type: none">- direct quotes,- time relationships,- information regarding weapons, or- physical descriptions.
Make modifications or corrections as necessary.	<ul style="list-style-type: none">• Information may have been initially recorded incorrectly because the officer:<ul style="list-style-type: none">- misunderstood something the interviewee said,- wrote something down incorrectly, or- the officer's wording may have incorrectly characterized the interviewee's statement.
Verify changes.	<ul style="list-style-type: none">• Once any changes have been made, the information that has been added or modified should be verified.

Opinions, Facts, and Conclusions

[18.02.EO3, 18.02.EO4, 18.02.EO5]

Introduction

An effective investigative report must be **factual**. It must present an **objective** accounting of the relevant facts related to the event or incident under investigation. An officer must be able to distinguish between opinion, fact, and conclusion.

Opinions, facts, and conclusions

The basis for determining relevant information requires peace officers to make the fine distinctions between an **opinion**, a **fact**, and a **conclusion**. The following table illustrates these distinctions.

	Description	Example
Opinion	<ul style="list-style-type: none">• A statement that:<ul style="list-style-type: none">- can be open to different interpretations,- expresses a belief not necessarily substantiated by proof.	The victim was in pain.
Fact	<ul style="list-style-type: none">• A statement that:<ul style="list-style-type: none">- can be verified or proven- has real, demonstrable existence.	The victim's arm was broken.
Conclusion	<ul style="list-style-type: none">• A statement that is based on the analysis of facts and opinions.• Conclusions should always be accompanied with the supporting facts and opinions. Conclusions presented without supporting information may be considered unwarranted.	The victim was not able to explain what had happened because she was in pain due to her broken arm.

Continued on next page

Opinions, Facts, and Conclusions, Continued

**Factual
but
irrelevant**

It is possible for information to be factual yet still not be relevant to the incident or event being investigated. The following table illustrates points that are all factual but may or may not be relevant in an investigative report.

Factual and Relevant	Factual but Irrelevant
The address of the incident/crime scene	The route followed to the scene of the incident/crime
A description of how the suspect was apprehended	The number of fences the officer had to jump while apprehending a suspect
Statements given by witnesses	Humorous comments given by bystanders

Continued on next page

Opinions, Facts, and Conclusions, Continued

Relevant and irrelevant information

The following are examples of relevant and irrelevant information.

Victim's Statement	Relevant Facts	Irrelevant Facts
"I just bought this bike from the guy down the street a couple of weeks ago. It wasn't new but it was in really good shape. After a long ride, I parked the bike in front of my building at the bottom of the stairs. I didn't bother locking it up or anything because I thought it would be safe there, you know."	The bike was left unlocked in front of the victim's residence.	I thought it was safe there.
"I went inside my apartment to fill my water bottle and was gone for less than 5 minutes."	The bike was left unattended for about 5 minutes.	The victim went into his apartment to fill his water bottle.
"When I came out, the bike was gone. I was really mad and started yelling and cursing. I looked up and down the street but didn't see anyone or any signs of my bike."	No suspect was seen or heard by the victim.	The victim yelled and cursed when he realized his bike was stolen.

Chapter Synopsis

Learning need Peace officers must recognize that the information gathered during their initial investigation in the field will become the foundation for their investigative reports.

Content of field notes [18.02.EO6] When determining what to include in their field notes, officers should consider the following.

- Field notes are the primary source of information for the investigative report.
 - Detailed field notes reduce the need to re-contact the involved parties.
 - Field notes are more reliable than an officer's memory.
 - Field notes can be used to defend the credibility of an investigative report.
-

Taking notes during an interview [18.02.EO2] The most effective way for officers to gather clear, accurate, and complete information while conducting an interview is to follow a systematic process.

Opinions, facts, and conclusions [18.02.EO3] An opinion is a statement that can be open to different interpretations and expresses a belief not necessarily substantiated by proof. A fact is a statement that can be verified or proven and has real, demonstrable existence. A conclusion is a statement that is based on the analysis of facts and opinions. Conclusions should always be accompanied with the supporting facts and opinions. Conclusions presented without supporting information may be considered unwarranted.

Workbook Learning Activities

Introduction

To help you review and apply the material covered in this chapter, a selection of learning activities has been included. No answers are provided. However, by referring to the appropriate text, you should be able to prepare a response.

Activity questions

1. In your own words, explain what makes a fact *relevant* for the purposes of an investigative report. Are all relevant details facts? Explain your answer.

2. Using only your memory, recount *exactly* what you were doing from 1800 hrs. to 1900 hrs. two days ago. Write your actions as if you were taking field notes for an investigative report. How much of your account do you feel is exact? How much is speculation or assumption?

Continued on next page

Workbook Learning Activities, Continued

Activity questions (continued)

Read the following scenario and then answer the following questions.

At 2245 hrs., you were called to a local supermarket where a man was caught by the store's night manager attempting to shoplift a bottle of vodka. The suspect struggled and tried to hit the night manager in an attempt to escape.

Upon arrival, you handcuffed the suspect and walked him to the patrol vehicle. All individuals involved declined your offer for medical assistance. You asked the store's night manager, Joe Smith, to tell you what happened. Appearing shaken he told you the following:

“Well... let me get it together now... OK officer... I'm the night manager here and I was in the back when one of the clerks, Ester over there, came over and said there was this guy over in aisle three that was just hanging out and looking kind of suspicious. So, I went over there just to see for myself, and this guy saw me looking at him, so he started moving toward the front of the store. Well, I thought his coat looked funny, you know, like he had something under it so I kind'a followed him until I caught up and tried to make conversation, you know, to get a better look. You gotta be careful, you know... don't want to offend any legitimate customer, you know. Well, he turned around and looked at me and then instead of stopping, he just bolted for the door. He took off so I took off and he must of slipped or something cause he dropped the bottle of vodka he'd tried to get away with. I kept after him, still in pretty good shape ya' know 'cause I work out, and grabbed the guy's jacket. Well he spun 'round and before I could get any kind of grip on the guy, he belted me! Caught me a good one right here under my eye... still bleeding some I guess... but I didn't let go and I got him down on the ground, stuck my knee in his back, and I guess one of the clerks had called 'cause that's when you guys got here. So what happens now? Nothin' like this has ever happened to me before, ya' know.”

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

3. Continuing the scenario from the previous page, begin step two of the notetaking process. Ask Mr. Smith to repeat his account of what happened. Assuming his account remains the same, write your notes below.

4. What additional questions would you like to ask Mr. Smith?

Continued on next page

Workbook Learning Activities, Continued

Activity questions
(continued)

5. After you finished interviewing Mr. Smith, you talked to the suspect. You read him his Miranda rights, and he acknowledged he understood and waived them. He told you the following:

“I didn’t do nothing man! This guy just jumps me! I mean I just went in there to get some booze, ya know, cause I’m going to this party over at my buddies and I wanted to take something with me and this dude starts giving me a hard time and starts chasing me down the aisle. I wasn’t doing anything. I was goin’ to pay for the stuff, ya know, but the guy, he just started yelling so he’s the one that chased me out, ya know. Then the dude grabs my jacket so I swung at the guy. It was self-defense, man! I gotta right to defend myself, ya know!

Assuming his account remains the same when you ask him to repeat it, write your notes below.

6. What additional questions would you like to ask the suspect?

Continued on next page

Workbook Learning Activities, Continued

Activity questions
(continued)

7. Look back at the statements given by Mr. Smith and the suspect. In the following table note the facts, opinions, and conclusions that are provided.

Opinions	Facts	Conclusions

Continued on next page

Workbook Learning Activities, Continued

Additional practice

Taking complete and accurate field notes is a skill that requires practice and experience. During classroom discussions and activities, officers will have additional opportunities to practice taking field notes related to arrest situations and criminal investigations.

Workbook Corrections

Suggested corrections to this workbook can be made by going to the POST website at: www.post.ca.gov

Workbook Corrections, Continued

Student notes

Chapter 3

Fundamental Content Elements of Investigative Reports

Overview

Learning need Peace officers must recognize in order for an investigative report to be of use in the judicial process, the report must be well organized and include facts needed to establish that a crime has been committed and all actions taken by officers were appropriate.

Learning objectives The table below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to...	E.O. Code
<ul style="list-style-type: none">• summarize the primary questions that must be answered by an investigative report.	18.03.EO3
<ul style="list-style-type: none">• identify the fundamental content elements in investigative reports including:<ul style="list-style-type: none">- initial information,- identification of the crime,- identification of involved parties,- victim/witness statements,- crime scene specifics,- property information, and- officer actions.	18.03.EO4 18.03.EO5 18.03.EO6 18.03.EO7 18.03.EO8 18.03.EO9 18.03.EO10

Continued on next page

Overview, Continued

In this chapter This chapter focuses on the content elements in effective investigative reports. Refer to the following table for specific topics.

Topic	See Page
Questions Answered by an Effective Investigative Report	3-3
Fundamental Content Elements	3-9
Chapter Synopsis	3-15
Workbook Learning Activities	3-17

Questions Answered by an Effective Investigative Report

[18.03.EO3]

Introduction

No matter how an investigative report is organized, it must be factual, accurate, clear, concise, complete, and timely (FACCCT). It must provide prosecutors, investigators, and other participants in the judicial process with the accuracy of the information needed to do their jobs.

Investigative report formats

An investigating officer communicates with the other participants in the judicial process through that officer's written investigative report. The adequacy of that communication is dependent on the officer's ability to logically organize events and clearly state the relevant facts related to the incident.

Agency policy

Each agency has its own policies regarding formats and forms officers must use when writing investigative reports. It is the responsibility of each officer to be familiar with and comply with their agency's requirements.

Community policing

Police reports have a variety of users in the community. Prosecutors, judges, insurance agencies, and attorneys all rely on police reports to ensure a fair and just outcome. A well-written report can be a significant tool in providing justice for victims. Police reports are useful in prosecutions, in defense against wrongful accusations, as a permanent history in long-term investigations, and in holding peace officers accountable when they are involved in the incident. The peace officer is the "eyes and ears" of the event. A good report will greatly increase the effectiveness of everyone involved.

Continued on next page

Questions Answered by an Effective Investigative Report,

Continued

Primary questions

The users of an officer's investigative report should be able to locate the answers to six primary questions within the body of the report. These questions are noted below.

- What?
- When?
- Where?
- Who?
- How?
- Why?

If an officer is not able to answer a question, the report should provide as much information as possible. This information may prove vital for investigators assigned to the case.

Supporting facts and information

The information that answers each question will vary depending on the details of the specific incident or crime.

NOTE: The following table is not intended to be all inclusive. Specific crimes will require certain information that should be noted by the investigating officer in the report.

Continued on next page

Questions Answered by an Effective Investigative Report,

Continued

Supporting facts and information
(continued)

The following table presents examples of the specific facts and information that can be included in the body of the report to help answer each question.

	Supporting Facts/Information
What...	<ul style="list-style-type: none"> • was the crime that was committed? • are the elements of the crime? • were the actions of the suspect before and after the crime? • actually happened? • do the witnesses know about it? • evidence was obtained? • was done with the evidence? • weapons were used? • action did the officers take? • further action should be taken? • knowledge, skill or strength was needed to commit the crime? • other agencies were notified? • other agencies need to be notified?
When...	<ul style="list-style-type: none"> • was the crime committed? • was it discovered? • were the authorities notified? • did they arrive at the scene? • was the victim last seen alive? • did officers arrive? • was any arrest made? • did witnesses hear anything unusual? • did the suspect decide to commit the crime?

Continued on next page

Questions Answered by an Effective Investigative Report, Continued

Supporting facts and information
(continued)

	Supporting Facts/Information
Where...	<ul style="list-style-type: none"> • was the crime committed? • was the crime discovered? • was entry made? • was the exit? • was the weapon obtained that was used to commit the crime? • was the victim found? • was the suspect seen during the crime? • was the suspect last seen? • were the witnesses during the crime? • did the suspect live? • does the suspect currently live? • is the suspect now? • would the suspect likely go? • was the evidence found? • was the evidence stored?

When noting locations, officers should include:

- the exact address including:
 - wing,
 - housing unit,
 - floor of the building, etc., and
- identification of the area (e.g., business, apartment complex, private residence, vehicle.)

Continued on next page

Questions Answered by an Effective Investigative Report, Continued

Supporting facts and information
(continued)

	Supporting Facts/Information
Who...	<ul style="list-style-type: none"> • are the involved parties in the incident? (i.e., victim(s), witness(es), suspect(s)) • were the participating officers? • was the complainant? • discovered the crime? • saw or heard anything of importance? • had a motive for committing the crime? • committed the crime? • had the means to commit the crime? • had access to the crime scene? • searched for, identified and gathered evidence? <p>Also with whom...</p> <ul style="list-style-type: none"> • did the victim associate? • did the suspect associate? • was the victim last seen? • do the witnesses associate? • did the suspect commit the crime?

When noting information regarding specific people, officers should include that person's full name, including middle name or initial. The correct spelling of each name should be confirmed by the officer as well.

Continued on next page

Questions Answered by an Effective Investigative Report,

Continued

Supporting facts and information
(continued)

Additional information regarding specific people can include, but not be limited to:

- phone numbers (home, cellular and work),
- addresses (home, work, and email),
- age and date of birth,
- social security number,
- occupations, and
- physical descriptions as required.

	Supporting Facts/Information
How...	<ul style="list-style-type: none"> • was the crime committed? (e.g., force, violence, threats, etc.) • did the suspect leave the scene? (e.g., on foot, by car, etc.) • did the suspect obtain the information necessary to commit the crime? • was the crime discovered? • was entry made? (e.g., smashing, breaking, key, etc.) • was the weapon/tool for the crime obtained? • was the weapon/tool used? • was the arrest made? • much damage was done?
Why... (if known)	<ul style="list-style-type: none"> • was the crime committed? • was a certain weapon/tool used? • was the crime reported? • was the crime reported late? • were witnesses reluctant to give information? • is the suspect lying? • did the suspect commit the crime when she/he did? • did the suspect commit the crime where she/he did?

Fundamental Content Elements

[18.03.EO4, 18.03.EO5, 18.03.EO6, 18.03.EO7, 18.03.EO8, 18.03.EO9, 18.03.EO10]

Introduction

Every incident is different and different crimes require different information. On the other hand, certain content elements remain constant regardless of the crime or the formats used to present the information.

Fundamental content elements

The following table identifies the fundamental content elements that are common within all investigative reports.

An effective investigative report contains...	
initial information...	<ul style="list-style-type: none">• establishing how the officer(s) became involved with the specific incident and additional background information.
identification of the crime...	<ul style="list-style-type: none">• including the facts that are necessary to show that the specific crime has taken place.
identification of the involved parties...	<ul style="list-style-type: none">• such as the reporting person(s), victim(s), witness(es), or suspect(s).
witness/victim statements...	<ul style="list-style-type: none">• noting the details of the events the involved parties observed or experienced.
crime scene specifics...	<ul style="list-style-type: none">• necessary to accurately reestablish the scene and events of the crime.
property information...	<ul style="list-style-type: none">• including descriptions and details pertaining to stolen items as well as physical evidence.
officer actions...	<ul style="list-style-type: none">• including descriptions of all actions taken by peace officers that are related to the incident.

NOTE: The order in which information is presented in an investigative report is dependent upon the format used and agency policy.

Continued on next page

Fundamental Content Elements, Continued

Initial information

Each investigative report should describe the manner in which the peace officers learned of the incident. The initial information should also describe the officer's immediate observations and any actions they took upon arrival at the scene.

Content elements specific to the initial information may include, but are not limited to:

- the name(s) and badge number(s) of the responding officer(s),
 - how the officer(s) learned of the incident (e.g., radio dispatch),
 - the exact date and time the officer(s) arrived,
 - the exact location, and
 - details regarding the officer(s) own observations of who was where and what was happening upon arrival.
-

Identification of the crime

The facts which are the evidence of a crime are referred to as the **corpus delicti**, or *the body of the crime*.

Specific crimes have their own required crime elements. Investigative reports must clearly identify these facts in order to establish that a crime has occurred.

Crime identification information within the body of the investigative report must clearly state the:

- common name of the crime,
- statutory code reference number for the crime (i.e., Penal Code, Health & Welfare Code, etc.), and
- existence of each of the required crime elements necessary for the crime to be complete.

NOTE: Additional information regarding the crime elements for specific crimes is included in the supplementary materials at the end of this workbook.

Continued on next page

Fundamental Content Elements, Continued

Identification of involved parties

The involved parties of a crime can include the person who reported the incident, victim(s), witness(es), or suspect(s). Officers should take care to collect complete and accurate information that clearly identifies each as well as providing a means of further contacts if necessary.

Specific information regarding the involved parties should include, but is not limited to:

- full names,
- sex, ethnic origin,
- date of birth (DOB),
- home address,
- home phone, cellular phone,
- workplace, school or email addresses,
- workplace or school phone,
- their role in the incident (i.e., reporting party, witness, etc.), and
- the reporting party's relationship with other involved parties.

Continued on next page

Fundamental Content Elements, Continued

Witness/ victim statements

Statements of the involved parties (i.e., witnesses, victims) help place events in their proper sequence and establish the elements of the crime. Along with the person's statements, officers should note:

- location/proximity of the person to the event,
- circumstances and actions observed or experienced,
- complete and detailed descriptions, (e.g., items stolen, distinguishing features, injuries sustained, etc.) and
- information regarding suspect(s). (e.g., name, aliases, identifying marks, relationship to the victim, etc.)

If the reporting officers use a person's exact words within a report, quotation marks and the word *said* followed by a comma should be used to introduce the speaker's words.

Example: Smith said, "I don't know. I'd really have to take a closer look. I'm just not sure if that's all that was taken."

If the reporting officer paraphrases what the speaker said, quotation marks are not used.

Example: Smith said she was not sure if anything else was taken.

Continued on next page

Fundamental Content Elements, Continued

Crime scene specifics

The users of any investigative report should be able to clearly understand and accurately visualize the scene of the crime as well as the events that took place.

Investigative reports should include, but not be limited to, identification and description of:

- the physical condition of the scene itself,
- the chronology of events,
- location of physical evidence, and
- all information supporting the existence of the elements of the crime. (e.g., the point of entry, the location of key objects)

NOTE: Investigative points to be noted can vary based on the specific crime that is being reported.

Property information

Any item pertaining to the crime must be identified clearly and described within the investigative report. Such items may include stolen or damaged property as well as physical evidence.

Information should include, but not be limited to:

- brand names,
 - model/serial numbers,
 - description (including color, unique markings, dimensions, etc.),
 - value of stolen item,
 - identification of the owner/possessor/finder,
 - location where found (or stolen from),
 - relationship of the item to the crime/incident, and
 - physical evidence, including methods of collection and preservation.
-

Continued on next page

Fundamental Content Elements, Continued

Officer actions

An investigative report is not complete unless it clearly identifies all actions taken by the officer or officers.

Officer actions to be noted can include, but not be limited to:

- stops made,
 - searches conducted,
 - seizures of evidence,
 - arrests made,
 - standard procedures followed (e.g., knock and notice, field showups, etc.),
 - Miranda admonishments,
 - use of force,
 - medical attention (offered, accepted, or refused),
 - safety measures taken,
 - disposition of suspects, or
 - methods used to preserve evidence or capture essential information.
-

Information in support of officer actions

Complete and accurate descriptions of an officer's actions should also include the officer's reasons or justifications for taking those actions. This can include, but is not limited to the:

- exigent circumstances that led the officer to act (i.e., enter without permission, use force, etc.),
 - basis for an officer's reasonable suspicion to conduct a cursory/frisk search for weapons,
 - probable cause to conduct any other authorized searches,
 - probable cause to seize evidence,
 - probable cause leading to an arrest, and/or
 - detailed information describing acts or conditions that justify the level of force used to gain or maintain control.
-

Chapter Synopsis

Learning need Peace officers must recognize in order for an investigative report to be of use in the judicial process, the report must be well organized and include facts needed to establish that a crime has been committed and all actions taken by officers were appropriate.

Primary questions to be answered [18.03.EO3] The users of an officer's investigative report should be able to locate the answers to six primary questions within the body of the report.

Initial information [18.03.EO4] Establishing how the officer(s) became involved with the specific incident and additional background information.

Identification of the crime [18.03.EO5] Including the facts that are necessary to show that the specific crime has taken place.

Identification of the involved parties [18.03.EO6] Such as the reporting person(s), victim(s), witness(es), or suspect(s).

Witness/victim statements [18.03.EO7] Noting the details of the events the involved parties observed or experienced.

Crime scene specifics [18.03.EO8] Necessary to accurately visualize the scene as well as events that took place.

Continued on next page

Chapter Synopsis, Continued

**Property
information**
[18.03.EO9]

Including descriptions and details pertaining to stolen items as well as physical evidence.

**Officer
actions**
[18.03.EO10]

Including descriptions of all actions taken by peace officers that are related to the incident.

Workbook Learning Activities

Introduction

To help you review and apply the material covered in this chapter, a selection of learning activities has been included. No answers are provided. However, by referring to the appropriate text, you should be able to prepare a response.

Activity questions

1. List reasons why it is important to fully document within the report the officer's reasons or rationales for taking specific actions. Describe the possible effects on an investigation, the officer, and the officer's department if this information is not included.

Continued on next page

Workbook Learning Activities, Continued

Activity questions (continued)

2. In order for the crime of vandalism (*Penal Code Section 594*) to be complete, the necessary crime elements include:
- an act of a person or persons
 - with malicious intent
 - to deface, damage, or destroy with graffiti or other inscribed material
 - personal or real property
 - not their own.

The following statement is an excerpt from an investigative report. Has the writer noted sufficient information to establish that the crime of vandalism has been committed? Underline the information that supports the existence of each element of the crime. If an element is not present, identify the information that is missing.

...As my partner and I approached the scene, we could see the spray painted markings on the windshield of a blue Ford Taurus, CA license number 12345, which was parked in the street in front of 9876 Rose Lane. The owner of the Taurus, Clyde Smith, who lived at 9876 Rose Lane came out of the house carrying two empty cans of spray paint that he found in the gutter three houses down, at 9870 Rose Lane...

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

3. You are an officer who has responded to a call involving a home burglary. The homeowner tells you that her son's computer, the family's television, and three pieces of her jewelry were taken. List questions you can ask the homeowner that will aid you in describing the stolen property later in your report.

Continued on next page

Workbook Learning Activities, Continued

Activity questions
(continued)

4. Without looking back in the chapter, list the seven fundamental content elements of an investigative report. Give a reason why each element should be included when possible. Provide examples of the type of information that could be included within each element.

Content Element	Reason for Importance	Type of Information Included

Continued on next page

Workbook Learning Activities, Continued

Activity questions
(continued)

5. Assume that you are a supervisor and have received the following narrative from an investigative report. Based on the information given, you will be required to decide on the next action that should be taken.

On 01-5-08 at 1600 hours my partner and I were called to the scene of a residential burglary. The home owner, Alice Smith, met us as we arrived and gave the following information.

Smith left for work today at 0630 hours, locking all doors and windows. She returned home for lunch at 1130 hours and discovered the front door had been kicked in and was left standing open. She entered her home but found nobody inside. She discovered her TV and VCR were missing along with a home computer. Smith said that the only other items disturbed in the house were several books that had been knocked off a shelf in the office. Smith will attempt to locate serial numbers for the TV, VCR, and computer and forward that information to us.

Smith did not see anyone around her home, but did observe a blond male driving a red car. The driver was turning off her street, when she came home. Smith did not recognize the person and had not seen the vehicle in the area before. She could not provide any additional descriptions of the driver or vehicle.

Continued on next page

Workbook Learning Activities, Continued

Activity questions
(continued)

5. (continued) Complete the following table with the information provided in the report. Note any information that you feel is missing or that is unclear or confusing.

	Facts/Information Included	Missing/Confusing Information
What?		
When?		
Where?		
Who?		
How?		
Why?		

Continued on next page

Workbook Learning Activities, Continued

Additional classroom activities

As part of the classroom activities, students will have the opportunity to practice their investigative report writing skills after viewing a series of video scenarios depicting possible criminal activities. Classroom instructors will evaluate each student's work and provide individual feedback.

Continued on next page

Workbook Learning Activities, Continued

Student notes

Chapter 4

Investigative Report Writing Mechanics

Overview

Learning need Peace officers must recognize that an effective report must exhibit the writer's command of the language and be relatively free of errors in sentence structure, grammar, and other writing mechanics.

Learning objectives The table below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to:	E.O. Code
<ul style="list-style-type: none">• apply guidelines for recommended grammar used in investigative reports including use of:<ul style="list-style-type: none">- proper nouns,- first person pronouns,- third person pronouns,- past tense, and- active voice.	18.04.EO1 18.04.EO2 18.04.EO3 18.04.EO4 18.04.EO5
<ul style="list-style-type: none">• organize information within a paragraph for clarity and proper emphasis.	18.04.EO6
<ul style="list-style-type: none">• select language that will clearly convey information to the reader of the investigative report.	18.04.EO7

Continued on next page

Overview, Continued

Learning objectives
(continued)

After completing study of this chapter, the student will be able to:	E.O. Code
<ul style="list-style-type: none">distinguish between commonly used words that sound alike but have different meanings.	18.04.EO8
<ul style="list-style-type: none">proofread for content and mechanical errors, including:<ul style="list-style-type: none">- Spelling- Punctuation- Grammar- Word choice- Syntax	18.04.EO9

In this chapter

This chapter focuses on common report writing conventions. Refer to the following table for specific topics.

Topic	See Page
Recommended Grammar for Investigative Reports	4-3
Writing Clearly and Precisely	4-9
Proofreading	4-21
Chapter Synopsis	4-23
Workbook Learning Activities	4-25

Recommended Grammar for Investigative Reports

[18.04.EO1, 18.04.EO2, 18.04.EO3, 18.04.EO4, 18.04.EO5]

Introduction

Grammar may be defined as the rules and guidelines used by writers to make their message clear and understandable to the reader. There are a large number of grammatical guidelines in the English language and peace officers should be aware of them when writing investigative reports.

Proper nouns

A **noun** is a naming word. It can be used to identify people, places, or things. **Proper nouns** name **specific** persons, places or things and always begin with a capital letter.

When referring to a specific person within a report, officers should use proper nouns (Tom Smith, Alice Jones) to clearly convey to the reader whom they are writing about. After the full name has been used once, just the last name may be used when referring to the same person. (Smith, Jones)

Example: Tom Smith said he saw the woman leap from the deck and run across the yard. Smith went on to describe the woman as...

Continued on next page

Recommended Grammar for Investigative Reports,

Continued

Pronouns

A **pronoun** is a word that substitutes for a noun or a proper noun. There are two types of pronouns of which writers of investigative reports should be aware.

Pronoun	Use when referring to the:	Examples of Pronouns	Examples of Use
First person	person writing the report.	<ul style="list-style-type: none">• I/My/Mine/Me• We/Our/Ours/Us	<ul style="list-style-type: none">• I told my partner...• Our vehicle was...
Third person	person, place, or thing being written about.	<ul style="list-style-type: none">• He/His/Him• She/Hers/Her• It/Its• They/Their/Theirs/Them	<ul style="list-style-type: none">• He said that it was ...• She told her sister...• It was no longer present...• Their father was ...

NOTE: First person pronouns can also be used within quotes to refer to the person speaking. (e.g., Wilson said, “*I ran as fast as I could.*”)

Continued on next page

Recommended Grammar for Investigative Reports,

Continued

First person pronouns

When writing investigative reports, officers should use **first person pronouns** when referring to themselves. By doing so, the reader has a clear understanding of what the officer actually did, observed, experienced, etc.

Referring to themselves as “the reporting officer” or “the writer of this report” or using third person pronouns can be needlessly awkward and lead to confusion as to who was actually doing what.

Example: My partner and I spoke with the witness about what they saw and heard during the fight.

Continued on next page

Recommended Grammar for Investigative Reports,

Continued

Third person pronouns

When a **third person pronoun** is used within an investigative report, it must clearly refer to or agree with the noun or proper noun that is directly before it.

Alone, third person pronouns lack any specific meaning. It must be clear to the reader, exactly who, what, or where the pronoun is referring to.

The following table illustrates how the use of third person pronouns can lead to confusion within a report if not properly placed.

Confusing	Clear
Jones saw the man's car crash into the tree. He immediately reported the accident.	Jones saw the man's car crash into the tree. Jones immediately reported the accident.
Smith told his neighbor to get rid of the junk car he kept in front of his house.	Smith told his neighbor to get rid of the junk car the neighbor kept in front of his house.
After McFay gave her daughter the gun, she began to worry.	McFay began to worry after she gave the gun to her daughter.

NOTE: To avoid confusion, it may be preferable to repeat the proper name rather than use a third person pronoun

Continued on next page

Recommended Grammar for Investigative Reports,

Continued

Past tense

Since most investigative reports are written about things that have already happened, the words that are used should clearly indicate the events have already taken place.

Verbs are words or groups of words which express action. A **verb's tense** refers to the time the action took place. A **past tense** verb expresses an action completed in the past. A **present tense** verb expresses an action currently taking place.

The following table illustrates some examples of present and past tense verbs.

Present Tense	Past Tense
He says his wife did kick him...	He said his wife kicked him...
I then have Officer Baker . . .	I then had Officer Baker...
She states her husband...	She stated her husband...
On 04-06-98 at 0735 hours I respond to a call...	On 04-06-98 at 0735 hours I responded to a call...
The suspect arrives at the scene...	The suspect arrived at the scene...

Continued on next page

Recommended Grammar for Investigative Reports,

Continued

Active voice

The word “voice,” when used to describe a type of verb, refers to whether the verb is active or passive.

A verb is in the **active voice** when the subject of the sentence is the individual or thing that is actually doing or performing the action. A verb is in the **passive voice** when the subject of the sentence is someone or something other than the doer or performer of the action.

Officers writing investigative reports should use verbs in the active voice rather than the passive voice. Most readers find sentences written in the active voice easier to follow and understand.

The following table illustrates differences between using a passive or active voice in an investigative report.

Passive Voice	Active Voice
The victim was given the report form by me.	I gave the report form to the victim.
The seminar was attended by law enforcement personnel.	Law enforcement personnel attended the seminar.
The witness was talked to by me.	I talked to the witness.
The suspect was patted down for weapons by my partner.	My partner patted down the suspect for weapons.
The driver was asked for his driver's license by me.	I asked the driver for his driver's license.

NOTE: The subject of the sentence does not have to be a person. It can also be a place or thing.

NOTE: A common indicator of passive voice is the word “by” in the sentence.

Writing Clearly and Precisely

[18.04.EO6, 18.04.EO7, 18.04.EO8]

Introduction

Effective investigative reports must present all relevant information simply, or logically. They must be written in plain English in order to be useful for the reader.

Paragraph organization

Paragraphs are the structural units for grouping information. No matter which format is used for the investigative report (narrative or category), all paragraphs within the report must be clear and easy to understand.

When writing an investigative report, the first sentence (lead-in sentence) of each paragraph should clearly state the *primary topic or subject of the paragraph*. The sentences that follow within the paragraph should present facts, ideas, reasons, or examples that are directly related to that primary topic.

The following table presents examples of poorly organized and well organized paragraphs.

Poorly Organized	Well Organized
When we arrived, the husband let us into the house. We were responding to a 9-1-1 call. My partner and I had been dispatched to an incident of domestic violence. A woman called for help to keep her husband from beating her.	My partner and I were dispatched to a domestic violence incident after a woman dialed 9-1-1. The woman called for help because she was afraid her husband would beat her. When we arrived, the husband let us into the house.

Continued on next page

Writing Clearly and Precisely, Continued

Paragraph organization (continued)

Poorly Organized	Well Organized
Marie Parker said her husband refused to answer the door at first when he heard the man on the other side begin to shout. I took her statement approximately 45 minutes after the assault took place. She was sitting in the family room when her husband went to see who was at the door.	I took Marie Parker's statement approximately 45 minutes after the assault took place. Parker said she was sitting in the family room when her husband went to see who was at the door. Initially her husband refused to answer the door when he heard the man on the other side begin to shout.

Transitional words

Transitions are words or phrases that show relationships between thoughts, sentences, or paragraphs. By selecting appropriate transitional words, officers can help readers move smoothly and logically from detail to detail and sentence to sentence within the investigative report.

The following table suggests only a few of the possible transitional words and phrases officers may use within their reports.

Type of Transition	Words/Phrases	Examples
Time	<ul style="list-style-type: none"> • Immediately • In the meantime • At the same time • When • Before • Prior to 	<p>Caster said he noticed the door was not completely shut, so he decided to find out why.</p> <p>Immediately after entering the room, he saw the window was broken.</p>

Continued on next page

Writing Clearly and Precisely, Continued

Transitional words (continued)

Type of Transition	Words/Phrases	Examples
Place	<ul style="list-style-type: none">• Near• Beyond• Next to• Under• Behind• Around	Caster said he saw broken glass on the floor under the window. Near the glass, he saw a large brick.
Order	<ul style="list-style-type: none">• Finally• In addition• Lastly• First• Then• Further	In addition, Caster saw his laptop computer was not on the desk where he left it the night before.

Concrete vs abstract words

Officers who are writing investigative reports should select simple, common, concrete language whenever possible. The use of simple language can help keep reports concise and brief, addressing relevant information quickly and clearly.

Words that are used to make an investigative report sound eloquent or scholarly may actually serve to make the report wordy, vague and less effective. Inflated language is never appropriate and officers should resist the temptation to impress their readers.

Continued on next page

Writing Clearly and Precisely, Continued

**Concrete vs
abstract
words**
(continued)

The following table presents examples of abstract words along with more concrete alternatives.

Abstract Words	Concrete Words
• a number of	• seven
• at a high rate of speed	• 75 MPH
• appeared intoxicated	• breath smelled of an alcoholic beverage
• hostile behavior	• repeatedly struck the officer
• physical confrontation	• fight
• verbal altercation	• argument
• extensive record	• six DUI offenses over two years
• employed	• used
• dispute	• argument
• inquired	• asked
• in the vicinity of	• near
• articulated	• said, told
• hit	• punched, slapped, or clubbed

Continued on next page

Writing Clearly and Precisely, Continued

Words that sound alike

Officers should take care to use the correct word for what they are trying to say when writing investigative reports.

There are a number of frequently used words that sound alike but have completely different spellings and meanings. The following table identifies the most commonly confused sound-alike words.

Words	Definitions	Examples
Accept	To take with approval or agree to	I accepted the medal with pride.
Except	To omit or exclude; preposition meaning 'but'	We did everything <i>except</i> interview the witness.
Access	An approach, admittance, or route	There is an access road running east to west in front of the drug store.
Excess	Surplus; an amount greater than wanted	The amount of cocaine found was in excess of what had initially been reported.
Advice	Worthy suggestion or information; noun	My sergeant gave me advice on how to handle the situation.
Advise	To give suggestions, data, or counsel; verb	My sergeant advised me on how to handle the situation.

Continued on next page

Writing Clearly and Precisely, Continued

Words
that
sound
alike
(continued)

Words	Definitions	Examples
Affect	To act upon or produce change or influence; verb	The suspect was affected by the pepper spray.
Effect	Result of cause; belongings; noun	Dilated pupils are a physical effect of the drug. The coroner removed the personal effects from the victim.
Allude	Make reference to	The witness alluded to the suspect's collection of guns.
Elude	Escape or evade	The suspect eluded arrest by going into a store.
Assure	To offer assurances	The officer assured the victim that the batterer would be jailed.
Ensure	To make secure or certain	The officer ensured the suspect was correctly handcuffed.
Insure	To make secure or certain (as with ensure); or to guarantee life or property against risk.	The man insured his house against fires and floods.

Continued on next page

Writing Clearly and Precisely, Continued

Words
that
sound
alike
(continued)

Words	Definitions	Examples
Brake	To stop a vehicle	Her car's brakes failed, and she ran into the truck in front of her.
Break	To burglarize a home or other structure; forcibly entering or exiting a house; to damage	The officer watched the suspect break into the store.
Cite	Refer to an official document or rule as proof; verb	The district attorney cited the Penal Code.
Site	Place or setting of an event; noun	The officers returned to the site of the crime to gather more evidence.
Sight	Ability to see	The contraband lay on the table in plain sight .
Elicit	To draw out or forth; evoke	The officer was able to elicit a confession from the suspect.
Illicit	Something not permitted by law.	The suspect had committed a lewd and illicit act.
Formally	Something done ceremoniously or in a regular, methodical fashion	The suspect was formally indicted for the crime.
Formerly	Something that happened in the past	He was formerly a firefighter.

Continued on next page

Writing Clearly and Precisely, Continued

Words
that
sound
alike
(continued)

Words	Definitions	Examples
Hear	To perceive sound	The officers could hear the argument through the door.
Here	Place or location	I asked the victim to come here and answer some questions.
Its	Adjective showing possession	The car lost its rear tire after striking the pot hole in the road.
It's	Short form of 'it is' or 'it has'	It's been six years since the suspect contacted his brother.
Know	To be cognizant of or be acquainted with	The victim claimed that she did not know the suspect.
No	Negative	The suspect shouted, " No. "
Pain	Strong sense of hurt	The victim screamed in pain after being shot.
Pane	Window glass set in a frame	The burglar had broken the pane to gain access to the house.

Continued on next page

Writing Clearly and Precisely, Continued

Words
that
sound
alike
(continued)

Words	Definitions	Examples
Passed	To move forward or around; to circulate	As we pursued the suspect, we passed four other vehicles on the highway.
Past	History; ended or accomplished; beyond	The suspect had a number of past convictions.
Personal	Belonging to someone	The victim's personal property was put in a bag.
Personnel	Company's employees	The department had a personnel meeting.
Precede	To go before in time, place, or rank	The burglary preceded the rape.
Proceed	To advance, go toward	The burglar then proceeded to the bedroom.
Pride	Self-esteem	The officer took great pride in his work.
Pried	To raise, move, or force with a lever (past tense of pry)	The burglar pried the window open with a screwdriver in order to enter the building.

Continued on next page

Writing Clearly and Precisely, Continued

Words
that
sound
alike
(continued)

Words	Definitions	Examples
Principal	Chief official; chief actor or perpetrator present at time of crime	Manuel Ortega was the principal person in the robbery of the bank.
Principle	Rule of conduct; law of nature or scientific fact	Peace officers are expected to uphold high moral principles .
Quiet	Still or silent	When we arrived at the dispute, the house was quiet .
Quite	To a great degree, completely	The suspect was quite agitated and began swearing.
Scene	Location of an event	The officers secured the crime scene .
Seen	Past tense of “to see” (sight)	The suspect was seen driving a green car.
Steal	To take without any right	Robbery and theft are forms of stealing .
Steel	Strong alloy of iron	The pipe was made of steel .
Than	Introduces comparative clauses	The suspect was taller than me.
Then	Designates time (next)	The suspects then fled from the bank on foot.

Continued on next page

Writing Clearly and Precisely, Continued

Words
that
sound
alike
(continued)

Words	Definitions	Examples
There	At or in that place; to, toward, or into that place	Morez went there after she talked with the officer.
Their	Possession of them, by them	The brothers went by their home on <i>their</i> way to the corner.
They're	Short form of 'they are'	The woman said, " They're going to shoot him."
Threw	Past tense of "throw"	She threw the vase at her husband.
Through	Motion from side to side or end to end within something	The suspect ran through the mall to evade arrest.
To	Movement toward a place, person, or thing	The victim stated he was going to the grocery store when he was stopped.
Too	Also, besides, in excessive degree	The reporting party stated that the noise was too loud for her to hear the person talking.
Two	The number two (2)	The building had two entrances.

Continued on next page

Writing Clearly and Precisely, Continued

Words
that
sound
alike
(continued)

Words	Definitions	Examples
Waist	Part of the body between the ribs and the hips	The suspect grabbed the victim around the waist and wrestled her to the ground.
Waste	To consume, weaken, or squander	She wasted water by washing her car twice every day.
Weak	Not strong	His use of heroin left him very weak .
Week	Seven days' duration	The suspect stalked his victim for three weeks .
Your	Belongs to a specific you or a specific person	Young heard Johnson say, " Your dog is on my property again."
You're	Short form of 'you are'	The officer said you're under arrest.
Wave	To signal	She waved to her neighbor.
Waive	To surrender or relinquish	She waived her Miranda rights.

Continued on next page

Proofreading

[18.04.EO9]

Introduction

Proofreading may seem time-consuming to both experienced and inexperienced writers. In the case of investigative reports where accuracy, clarity, and completeness are essential, proofreading is critical.

Proofreading content

As noted in chapter one of this workbook, the content of an investigative report must be factual, accurate, clear, concise, complete, and timely (FACCCT).

When proofreading reports, officers should ask themselves:

- is the correct crime(s) cited in the report?
 - are all the elements appropriately articulated?
 - are the facts correct (based on the officer's field notes)?
 - is the report well organized?
 - is all necessary information included?
 - is the information in the proper order?
 - are things said efficiently, or are statements too wordy?
 - are all conclusions supported by facts?
 - are there any gaps in logic?
 - are the names spelled correctly?
-

Continued on next page

Proofreading, Continued

Proofreading mechanics

A report's effectiveness and an officer's credibility can be damaged by a report with too many mechanical errors. When proofreading the reports they have written, officers should look for:

- inappropriate use of the parts of speech (e.g., use of nouns, pronouns verbs, etc.),
- language that may be vague or confusing,
- incorrect or inappropriate use of words,
- spelling errors,
- inappropriate punctuation, and
- incorrect use of law enforcement abbreviations.

NOTE: Additional information is provided in the supplementary materials portion of this workbook.

Reading aloud

Slowly reading a completed report aloud is one of the most effective methods for proofreading the content and mechanics of any document. When sentences are heard, it may be easier for the writer to identify obstacles such as:

- mechanical errors,
 - gaps in logical flow,
 - skewed time sequences,
 - incorrect verb tenses,
 - cumbersome phrasing, etc.
-

Chapter Synopsis

Learning need Peace officers must recognize that an effective report must exhibit the writer's command of the language and be relatively free of errors in sentence structure, grammar, and other writing mechanics.

Proper nouns
[18.04.EO1] Persons should be referred to by their proper names to avoid confusion. Once the full name has been used once, the last name may be used when referring to the same person.

First person pronouns
[18.04.EO2] Officers should refer to themselves in the first person (i.e., "I," "we," etc.). Use of a person's name or a third person pronoun is appropriate when referring to another person.

Third person pronouns
[18.04.EO3] When a third person pronoun is used, it must clearly refer to or agree with the noun or proper noun that is directly before it.

Past tense
[18.04.EO4] Past tense verbs should be used to clearly indicate that events have already taken place.

Active voice
[18.04.EO5] The active voice should be used to ensure the information presented is direct, brief, and clearly establishes the actions of the sentence.

Paragraph organization
[18.04.EO6] When writing an investigative report, the first sentence (a lead-in sentence) of each paragraph should clearly state the primary topic of the paragraph.

Continued on next page

Chapter Synopsis, Continued

**Concrete
language**
[18.04.E07]

Officers should select simple, concrete language that readers clearly understand.

**Words
that
sound
alike**
[18.04.E08]

Officers should not confuse words that sound alike but have differing meanings and spellings.

Proofreading
[18.04.E09]

There are two relatively distinct tasks involved when officers proofread their investigative reports.

Workbook Learning Activities

Introduction

To help you review and apply the material covered in this chapter, a selection of learning activities has been included. No answers are provided. However, by referring to the appropriate text, you should be able to prepare a response.

Activity questions

1. You have just been handed the following narrative from an officer's investigative report. The officer who wrote the report has also asked you to suggest other revisions that would improve the quality and effectiveness of the report. List the recommendations you would make. Identify any specific errors within the report.

On 5-31-99 I was dispatched at 1153 hrs. to 33 "A" Street for a reported theft. I arrived at the address at approx. 1156 hrs. As I got out of my car I could see Mr. Jones waiting on the porch of his apartment waiting for me. As I walked towards Jones I asked him if he was the one who called in the report. He said yes. I asked Jones to tell me what happened. Jones told me he parked his mtn. bike against the stairs of his apartment while he ran into his apartment to fill his water bottle. Jones said he was inside for no more than 5 minutes. When he came out his bike was gone. Jones then gave me a complete description of his bike. I asked his neighbor if she saw anything but she said no.

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

2. Rewrite each of the following sentences using active voice, first person, or any other modifications necessary to make sure the writer's intent is clear. In all sentences Officer Brown is the reporting officer.
- a) Officer Brown had been approaching the suspect and at this time he noticed that the woman appeared intoxicated.

 - b) Jones was asked by Brown to describe the gun, and she said that she didn't know much about them, but it was small enough to fit in his waste band.

 - c) Logan was then transported by Brown to jail for booking. During the search procedure, Logan said, I except responsibility for everything but shooting her. I guess I better ask advice from my attorney.

 - d) The suspect was patted down for weapons by Brown's partner. The immediate effect was to cause Russell to exhibit hostile behavior.

 - e) At this time Johnson was being advised of his Miranda options by Brown's partner. The suspect was asked if he understood each right as it was read by him to him. He said yes.

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

3. Rewrite the following segment from an officer's investigative report. Correct all mechanical errors as well as any other modifications you feel would improve the segment.

On 5/3/99 about 1147 I was dispatch to a report of a petty theft. I talked to Mark Jones. He told me that he went into his home to get some water. When he returned to the past location of his bike, someone stole his bike. It was a mountain bike, red with black trim. He told me that he had seen no one. His neighbor came out and I asked him if he had scene anyone take it but he said no.

4. Why is it important that the first sentence of a narrative paragraph clearly state the primary topic or subject of the paragraph?

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

5. Circle the correct word choice for each of the following sentences.
- a) The [affect/effect] on the car was minimal.
 - b) The Browns said they were returning to [there/their/they're] home.
 - c) The [cite/site/sight] was covered with trash and broken glass.
 - d) The witness saw two boys [braking/breaking] the windows.
 - e) The other driver was going over 70 MPH when she [passed/past] us.
 - f) Someone [pride/pried] the hinges from the frame of the door.
 - g) The injured man refused to [accept/except] medical aid.
 - h) Jones [alluded/eluded] to the location of the stolen vehicle.

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

6. Write a sentence that illustrates the proper use of each of the following words.

Word	Examples of Proper Use
threw	
proceed	
waste	
principal	
proceed	
waist	
through	
principle	

Continued on next page

Workbook Learning Activities, Continued

Activity questions
(continued)

7. Rewrite and reorganize the following statements/sentences into a clear narrative paragraph.
- 07/07/99
 - 1945 pm
 - The suspect ran north on Wilson street with what appeared to be a metal bar in his hand.
 - My partner and I were called to the incident in response to a silent alarm.
 - A man was standing below a rear window of the building.
 - A rear window was cracked but remained locked and secured.
 - As I approached the rear of the building on foot, the man began to run away.
 - The suspect was approximately 6 ft tall, 180 lbs, wearing dark pants, a black nylon jacket, black baseball cap, and was a white male with brown hair and medium build.

Continued on next page

Supplementary Material

Overview

Introduction The following materials can be referred to by peace officers when writing investigative reports.

In this section Refer to the following table for specific reference documents included in this section.

Topic	See Page
Parts of Speech	S-2
Punctuation	S-4
Common Law Enforcement Abbreviations	S-6
State Abbreviations	S-12
Crime Information Reference Guide	S-13

Parts of Speech

Introduction

The sentence is the basic structure of written English. It is made up of words that have unique characteristics and functions.

Parts of speech

The eight parts of speech are identified in the following table.

	Description	Examples
Noun	Names a person, place, or thing	The officer stopped the <i>car</i> . The suspect fled from the officers .
Pronoun	Takes the place of a noun	He ran between the cars. They were close together.
Verb	Expresses action or state of being (“be verbs”)	The officer ran after the suspect. The suspect was fast.
Adverb	Describes a verb, adjective, or other adverb	The suspect ran quickly . He became extremely exhausted
Adjective	Describes a noun or pronoun	The tall suspect turned around. The short suspect continued to run.

Continued on next page

Parts of Speech, Continued

Parts of
speech
(continued)

	Description	Examples
Preposition	Shows how a noun or pronoun is related to another word in a sentence; followed by nouns or pronouns	The suspect jumped out of the car, over the retaining wall, and into the store.
Conjunction	Connects words or parts of sentences; can be coordinating or subordinating	My partner and I approached the car. I was cover officer while my partner was contact officer.
Article	Comes before and usually limits a noun	A bag of powder was lying on the back seat.

Punctuation

Introduction

Punctuation marks give writers a way to achieve some of the effects they would convey in spoken conversations. (i.e., pauses, changes in tone or pitch, inflections, etc.) They can influence the meaning of words, the flow of thought, and the emphasis intended by the writer.

Common punctuation

The following table identifies the most common punctuation marks used within investigative reports.

Mark	Main Uses	Examples
Period (.)	Marks the end of a sentence that is not a question or exclamation	Stewart went to the back of the store and told the manager what she saw.
Comma (,)	Separates items in a series	She reported that a microwave oven, a computer, and a stereo system were missing from the apartment.
	Separates nonessential phrases and clauses from the rest of the sentence	In the meantime, Jones swept up the broken glass.
	Separates two independent clauses in a compound sentence	The victim was in pain, but he was still able to speak with us.
Quotation marks (“ ”)	Indicates the beginning and end of direct quotes	Stanley said, “I just didn’t see the car coming.”

NOTE: Punctuation is generally not placed inside quotation marks. (i.e., commas, periods)

Continued on next page

Punctuation, Continued

**Common
punctuation**
(continued)

Mark	Main Uses	Examples
Colon (:)	Signals a series is about to follow	The victim reported the following items were missing from the apartment: a microwave oven, a computer, and a stereo system.
Apostrophe (')	To show possession in nouns	The victim's car was totaled.
	To form a contraction	She couldn't tell the direction he came from.

NOTE: The use of contractions in official reports is discouraged except in direct quotes.

NOTE: Usage of semi-colons may be discouraged, please check agency policy and procedures.

Common Law Enforcement Abbreviations

Introduction Peace officers use abbreviations in their notes to expedite time and then write the complete words in their report.

Guidelines for use Abbreviations should be such that the meaning will be readily understood to the person reading the notes. Officers may use abbreviations in their notes but should write the word out for their reports.

Abbreviations containing all capital letters do not require periods (e.g., DMV, CHP).

NOTE: Review agency policies and procedures before using abbreviations.

The following is an alphabetical listing of common law enforcement abbreviations.

A	Assisted and advised	A&A
	Address	Add.
	All points bulletin	APB
	Also known as	AKA
	Ambulance	Amb.
	American Indian	I
	Arresting officer	A/O
	Apartment	Apt.
	Arrest	Arr.
	Asian Indian	A
	Assault with deadly weapon	ADW
	Assistant	Asst.
	Attempt	Att.
	Attention	Attn.
	Avenue	Ave.

Continued on next page

Common Law Enforcement Abbreviations, Continued

B	Blood alcohol count	BAC
	Black (color)	Blk.
	Black (descent)	B
	Blocks	Blks.
	Blonde	Bln.
	Blue	Blu.
	Be on the lookout	BOLO
	Brown	Brn.
	Building	Bldg.
	Business and Professions Code	B&P

C	California Highway Patrol	CHP
	Captain	Capt.
	California drivers license	CDL
	California identification card	CID
	Caucasian	W
	Cleared by arrest	CBA
	County	Co.
	Complainant	Comp.
	Convertible	Conv.
	Chief of Police	COP
Criminal Justice Information System	CJIS	

D	Dark	Dk.
	Date of birth	DOB
	Dead on arrival	DOA
	Defendant	Def.
	Department	Dept.
	Department of Motor Vehicles	DMV
	District	Dist.
	Direction of travel	DOT
	Division	Div.
	Doing business as	DBA
	Driving under the influence	DUI

Continued on next page

Common Law Enforcement Abbreviations, Continued

E	East	E
	Eastbound	E/B
	Emergency room	ER
	Expired	Exp.
	Estimated	Est.

F	Felony	Fel.
	Female	F
	Field sobriety test	FST
	Four door	4D

G	Gray	Gry.
	Gone on arrival	GOA
	Green	G

H	Had been drinking	HBD
	Hazel	Hzl.
	Headquarters	Hdqts.
	Health & Safety Code	H&S
	Highway	Hwy.
	High School	H.S.

I	Identification	ID
	Identity	ID
	Indian, American	I
	Information	Info.
	Informant	Inf.
	Inspector	Insp.
	Injury	Inj.
	Injury on duty	IOD
	Intersection	I/S

J	Juvenile	Juv.
----------	----------	------

Continued on next page

Common Law Enforcement Abbreviations, Continued

K

L	Left front	L/F
	Left rear	L/R
	License	Lic.
	Lieutenant	LT
	Light	Lt.

M	Male	M
	Maroon	Mar.
	Medium	Med.
	Memorandum	Memo
	Mexican, Latino, Hispanic	H
	Miles per hour	MPH
	Miscellaneous	Misc.
	Misdemeanor	Misd.
	Modus operandi	M.O.
Motorcycle	M/C	

N	National Crime Information Center	NCIC
	No further description	NFD
	No middle name	NMN
	Not applicable	N/A
	North	N
	Northbound	N/B

O	Officer	Off.
	Oriental	O

Continued on next page

Common Law Enforcement Abbreviations, Continued

P	Parked	Pkd.
	Passenger	Pass.
	Pedestrian	Ped.
	Penal Code	PC
	Permanent identification number	PIN
	Pickup	P/U
	Point of impact	POI
	Point of rest	POR
	Possible	Poss.

Q	Quiet on arrival	QOA
	Quiet on departure	QOD

R	Railroad	RR
	Referral by other agency	ROA
	Registration	Reg.
	Reporting officer	R/O
	Right front	R/F
	Right rear	R/R
	Room	Rm.

S	Sergeant	Sgt.
	South	S
	Southbound	S/B
	Station wagon	S/W
	Street	St.
	Supervisor	Supv.
	Suspect	Susp.

Continued on next page

Common Law Enforcement Abbreviations, Continued

T	Teletype	TT
	Temporary	Temp.
	Traffic accident	TA
	Two door	2D

U	Uniform Crime Reports	UCR
	Unable to locate	UTL
	Unknown	Unk.

V	Vehicle	Veh.
	Vehicle Code	VC
	Vehicle identification number	VIN
	Victim	Vict.
	Violation	Viol.

W	Warned and released	W&R
	Watch Commander	W/C
	Welfare & Institutions Code	W&I
	West	W
	Westbound	W/B
	White (color)	Wh
	White (descent)	W
	Witness	Wit.

X

Y	Yellow	Yel.
----------	--------	------

Z

State Abbreviations

Introduction Peace officers may have to refer to specific states within their reports. The U.S. Postal Service has standardized the abbreviations for the states and some Canadian provinces.

Abbreviations The following table identifies the U.S. Postal Service's standardized abbreviations.

Alabama	AL	Montana	MT
Alaska	AK	Nebraska	NE
Arizona	AZ	Nevada	NV
Arkansas	AR	New Hampshire	NH
California	CA	New Jersey	NJ
Colorado	CO	New Mexico	NM
Connecticut	CT	New York	NY
Delaware	DE	North Carolina	NC
Dist. of Columbia	DC	North Dakota	ND
Florida	FL	Ohio	OH
Georgia	GA	Oklahoma	OK
Hawaii	HI	Oregon	OR
Idaho	ID	Pennsylvania	PA
Illinois	IL	Rhode Island	RI
Indiana	IN	South Carolina	SC
Iowa	IA	South Dakota	SD
Kansas	KS	Tennessee	TN
Kentucky	KY	Texas	TX
Louisiana	LA	Utah	UT
Maine	ME	Vermont	VT
Maryland	MD	Virginia	VA
Massachusetts	MA	Washington	WA
Michigan	MI	West Virginia	WV
Minnesota	MN	Wisconsin	WI
Mississippi	MS	Wyoming	WY
Missouri	MO	British Columbia	BC

NOTE: State postal abbreviations do not require periods.

Glossary

Introduction **The following glossary terms apply only to Learning Domain 18:
Investigative Report Writing**

active voice The use of verbs that refer to or agree with the subject of the sentence actually doing or performing the action

conclusion A statement that is based on the analysis of facts and opinions

corpus delicti The body or elements of the crime

FACCCT Acronym for the characteristics of an effective investigative report; factual, accurate, clear, concise, complete, and timely

fact A statement that can be verified or proven

field notes Abbreviated notations written by an officer in the field while investigating a specific incident or crime

first person pronoun A pronoun that refers to the person speaking (e.g., I, my, we, our, etc.)

investigative report A written legal document prepared by a peace officer that records in detail that officer's observations and actions as they relate to a specific event or incident

Continued on next page

Glossary, Continued

interview The process of gathering information from a person who has knowledge of the facts an officer will need to conduct an investigation

noun A word that is used to identify or name a person, place, or thing

opinion A statement that can be open to different interpretations and expresses a belief not necessarily substantiated by proof

passive voice The use of verbs that refer to or agree with someone or something other than the doer or performer of the action of a sentence

past tense A form of a verb that expresses an action that has already taken place

present tense A form of a verb that expresses an action that is currently taking place

pronoun A word that can be used as a substitute for a noun or a proper noun

proper noun A noun that names a specific person, place, or thing

third person pronoun A pronoun that refers to or agrees with the noun that is being spoken about (e.g., he, she, it, etc.)

Continued on next page

Glossary, Continued

transition

A word or phrase that shows a relationship between thoughts, sentences, or paragraphs

verb

A word which expresses an action or state of being

**verb
tense**

A form of a verb that refers to the time an action takes place

Basic Course Workbook Series Student Materials

**Learning Domain 21
Patrol Techniques
Version 4.1**

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THE ACADEMY TRAINING MISSION

The primary mission of basic training is to prepare students mentally, morally, and physically to advance into a field training program, assume the responsibilities, and execute the duties of a peace officer in society.

FOREWORD

The California Commission on Peace Officer Standards and Training sincerely appreciates the efforts of the many curriculum consultants, academy instructors, directors and coordinators who contributed to the development of this workbook. The Commission extends its thanks to California law enforcement agency executives who offered personnel to participate in the development of these training materials.

This student workbook is part of the POST Basic Course Training System. The workbook component of this system provides a self-study document for every learning domain in the Basic Course. Each workbook is intended to be a supplement to, not a substitute for, classroom instruction. The objective of the system is to improve academy student learning and information retention.

The content of each workbook is organized into sequenced learning modules to meet requirements as prescribed both by California law and the POST Training and Testing Specifications for the Basic Course.

It is our hope that the collective wisdom and experience of all who contributed to this workbook will help you, the student, to successfully complete the Basic Course and to enjoy a safe and rewarding career as a peace officer serving the communities of California.

A handwritten signature in black ink, appearing to read 'Paul Cappitelli', with a stylized flourish at the end.

PAUL CAPPITELLI
Executive Director

LD 21: Patrol Techniques

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Preface

Introduction

Student workbooks

The student workbooks are part of the POST Basic Course Instructional System. This system is designed to provide students with a self-study document to be used in preparation for classroom training.

Regular Basic Course training requirement

Completion of the Regular Basic Course is required, prior to exercising peace officer powers, as recognized in the California Penal Code and where the POST-required standard is the POST Regular Basic Course.

Student workbook elements

The following elements are included in each workbook:

- chapter contents, including a synopsis of key points,
 - supplementary material, and
 - a glossary of terms used in this workbook.
-

How to Use the Student Workbook

Introduction

This workbook provides an introduction to the training requirements for this Learning Domain. It is intended to be used in several ways: for initial learning prior to classroom attendance, for test preparation, and for remedial training.

Workbook format

To use the workbook most effectively, follow the steps listed below.

Step	Action
1	Begin by reading the: Preface and How to Use the Workbook, which provide an overview of how the workbook fits into the POST Instructional System and how it should be used.
2	Refer to the Chapter Synopsis at the end of each chapter to review the key points that support the chapter objectives.
3	Read the text.
4	Complete the Workbook Learning Activities at the end of each chapter. These activities reinforce the material taught in the chapter.
5	Refer to the Glossary for a definition of important terms. The terms appear throughout the text and are bolded and underlined the first time they appear (e.g., <u>term</u>).

Chapter 1

Basic Concepts of Law Enforcement Patrol

Overview

Learning need To safely and effectively fulfill their duties of public protection and service, peace officers must be able to develop appropriate law enforcement patrol strategies under a wide variety of circumstances and conditions.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to...	E.O Code
<ul style="list-style-type: none">• discuss patrol strategies officers may employ to provide protection and service within their assigned areas of patrol, to include:<ul style="list-style-type: none">- preventative- directed enforcement	21.01.EO1
<ul style="list-style-type: none">• discuss considerations for selecting a patrol strategy.	21.01.EO2
<ul style="list-style-type: none">• select appropriate actions for peace officers who are conducting security checks.	21.01.EO4
<ul style="list-style-type: none">• distinguish between the roles and responsibilities of contact and cover officers.	21.01.EO7
<ul style="list-style-type: none">• select appropriate actions officers should take to maintain their own safety and the safety of others while on patrol.	21.01.EO8

Continued on next page

Overview, Continued

In this chapter This chapter focuses on other background information pertaining to patrol strategies. Refer to the chart below for specific topics.

Topic	See Page
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Basic Patrol Concepts

[21.01.EO1, 21.01.EO2]

Introduction Community patrol is one of the most frequent assignments a uniformed officer will perform.

Leadership Uniformed officers, whether in a car, on bicycle, motorcycle, horseback, or on foot are mobile, visible and the most likely members of an agency to have contact with the community. Uniformed officers respond to calls, work on problems, initiate positive contacts, and are, in large measure, the image of the agency. Officers' demeanor and their interactions with the community they serve will determine how the entire agency is viewed.

Ethics The Constitution and Bill of Rights apply to everyone. Making assumptions and stereotyping a whole neighborhood by assuming that everyone who lives in a troubled area or neighborhood is suspect is wrong. Don't assume that everyone living in or near a troubled area is suspect. People must be treated as individuals and assumed "innocent until proven guilty."

Community policing People *do* care and want peace officers to help them to maintain a high quality of life. Patrol officers have a stake in their assigned areas. Community members care about their neighborhood and need patrol officers to help them keep it safe. There is a joint responsibility for this job. Where there is a low tolerance for litter, graffiti, speeding, and public disturbance, the message is clear that people care.

Continued on next page

Basic Patrol Concepts, Continued

Fundamental elements of patrol

Effective law enforcement patrol is made up of two fundamental elements: protection and service.

Fundamental Element	The community expects that law enforcement patrol officers will:
Protection	<ul style="list-style-type: none">• provide public safety, and isolation from criminal activity.
Service	<ul style="list-style-type: none">• address the public's concerns and needs efficiently and professionally.

Knowledge of assignment area

In order to provide protection and service, officers must acquire knowledge of the beat they have been assigned to patrol. Such knowledge includes not just knowing the basic layout and makeup of the area, but also recognizing locations within the area that may require the officers' specific attention.

The following table lists examples within their specific assignments which officers should become familiar.

Continued on next page

Basic Patrol Concepts, Continued

Knowledge of assignment area
(continued)

Areas where...	Examples
criminal acts may occur	<ul style="list-style-type: none"> • Shopping centers (e.g., purse snatches, auto burglaries, etc.) • School grounds (e.g., narcotics activities, child molesters, etc.) • Bars, night clubs, and other locations of nightlife activities • Bus stops, convenience stores, isolated restaurants or bars, • and other poorly lit areas with pedestrian traffic • Abandoned buildings (e.g., arson)
disturbances may occur	<ul style="list-style-type: none"> • Youth gathering spots such as: <ul style="list-style-type: none"> - recreation centers or school events - amusement centers - public parks and beaches - sporting events - secluded “drinking spots” (e.g., “lover’s lane,” wooded locations, etc.)
	<ul style="list-style-type: none"> • Adult congregations such as: <ul style="list-style-type: none"> - bars or coffee shops - sporting events - concerts - public parks and beaches - family/community celebrations - churches - swap meets - motorcycle rallies
	<ul style="list-style-type: none"> • Community meetings involving: <ul style="list-style-type: none"> - emotional issues or negative public sentiment - public political debates

Continued on next page

Basic Patrol Concepts, Continued

Knowledge of assignment area
(continued)

Areas where...	Examples
public safety hazards may exist	<ul style="list-style-type: none"> • Poor road conditions such as: <ul style="list-style-type: none"> - dirt roads - poorly marked dead-end streets - inadequate lighting or traffic signs - streets with potholes • Construction sites • Chemical and industrial plants and storage facilities • Ponds, rivers, lakes, or beaches used for fishing, swimming, or other water recreation
there is a potential for natural disaster	<ul style="list-style-type: none"> • Man-made dams susceptible to seepage or erosion • Low lying areas that can easily flood • Earthquake-prone zones • Hillsides with a potential for mud or rock slides • Open fields susceptible to fire during dry periods • Areas prone to fog or other weather related conditions

Continued on next page

Basic Patrol Concepts, Continued

Patrol strategies

Officers may employ two basic patrol strategies to provide protection and service within their assigned patrol area.

Strategy	Primary Objective	Example
Preventative patrol	<ul style="list-style-type: none">To be highly visible in order to discourage occurrences of unlawful or problem activity	Conducting visible patrols through a parking structure where there have been a large number of auto thefts with the intention of dissuading potential thieves from stealing cars
Directed enforcement patrol	<ul style="list-style-type: none">To concentrate patrol activities on particular circumstances, persons or problem areas	Hiding from view and maintaining surveillance of a parking structure where there have been a large number of auto thefts with the intention of arresting a car thief in the act of stealing a car

Continued on next page

Basic Patrol Concepts, Continued

Trained observer

No matter what patrol strategy is deployed, officers on patrol must rely on their own observation and perception skills.

Officers must function as **trained observers**. Officers on patrol are expected to:

- practice disciplined *observation*, and
 - apply their training and experience to accurately *perceive* what is occurring or is about to occur.
-

Observation

To an officer, **observation** means the ability to gather information by noting facts or occurrences with a heightened sense of awareness.

While on patrol, officers must use not only their eyes, but all of their senses including hearing, smell, etc., to obtain information from the outside world.

Observation can be enhanced by:

- training (*knowing what to look for*),
 - experience (*knowing where and when to look for it*), and
 - a variety of special tools. (e.g., binoculars, night vision scopes, etc.)
-

Continued on next page

Preventative Patrol

[21.01.EO1, 21.01.EO4]

Introduction

Preventative patrol strategies provide protection from criminal activity. It has been consistently demonstrated that visible law enforcement presence can reduce criminal activity.

Preventative patrol techniques

To be an effective deterrent to crime, law enforcement presence should be highly visible within the community, especially in areas that are high risk crime targets. Preventative patrol actions include:

- maintaining a law enforcement presence and visibility within the community,
 - conducting frequent security checks of high-risk targets and businesses, and
 - conducting checks of persons who may be involved in suspicious activities.
-

Security checks

There are three fundamental objectives when conducting security checks of businesses, residences and other structures.

- To help the officer remain knowledgeable about the specific structure or area (e.g., layout, normal activity in and around the area, normal conditions of the structure, etc.).
 - To discover any suspicious activity or evidence of criminal activity (e.g., burglary).
 - To enhance community relations by maintaining high visibility.
-

Continued on next page

Preventative Patrol, Continued

Conducting security checks

When conducting security checks, officers should:

- cover as much of their assigned area as possible including secondary thoroughfares (e.g., alleys, walkways, parking areas, etc.) as well as primary streets,
- pay extra attention to high crime risk areas,
- vary patrol patterns and routines to prevent predictability,
- employ appropriate investigative tactics and equipment (e.g., use of spotlights, flashlights, alley lights, etc.), and
- implement additional patrol methods whenever possible (e.g., foot patrol, bicycle patrol, etc.).

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Preventative Patrol, Continued

Indications of criminal activity

During a security check, officers prevent crime by their presence and find opportunities to detect criminal activity.

When checking structures, officers should...	Examples
look for signs of property damage and/or forced entry.	<ul style="list-style-type: none">• Broken windows• Open doors• Pry marks around windows or doors• Broken equipment• Cut phone or power lines
look for unusual conditions.	<ul style="list-style-type: none">• Lights off that are normally on• Activities during nonbusiness hours• Presence of suspicious vehicles• Persons involved in suspicious activity• Persons not in appropriate locations (e.g. no clerk(s) at convenience store counter)
check access areas.	<ul style="list-style-type: none">• Areas around the structure• Access to the roof

NOTE: For additional information regarding indicators and law enforcement actions related to potential criminal activity, refer to LD 23: *Crimes in Progress*.

Directed Enforcement

[21.01.EO1]

Introduction

Realistically, officers cannot simultaneously cover all parts of their assigned geographic areas. Use of a directed enforcement patrol strategy can target areas where problems are likely to occur by concentrating patrol activities on particular circumstances.

Determining target areas

A thorough knowledge of the (1) area of assignment and (2) available resources is necessary to be able to respond to locations where problems are likely to occur.

NOTE: Your agency's crime analysis unit may be able to provide information on day-of-week and time-of-day patterns for criminal activity, suspect and victim profiles, parolee information, field interview patterns and calls-for-service patterns just to name some of the information that can help an officer make an informed decision on where to patrol, and what suspect activity to look for.

Personnel and equipment

When employing a directed enforcement strategy, personnel and equipment can be deployed depending upon specific crime patterns or service needs.

For example:

- undercover officers may be assigned to foot patrol in an area that has recently had a high number of violent crimes.
- additional law enforcement vehicles may be assigned to patrol an area that is plagued by a cruising problem (e.g. bicycles, horses, etc.).
- investigative and enforcement efforts may be directed toward an area that has a high amount of drug activity.

NOTE: For additional information on directed patrol activities, please refer to LD 3: *Policing in the Community*, Chapters 1 and 3.

Continued on next page

Directed Enforcement, Continued

Examples

Example:

On weekend nights hundreds of juveniles gathered to “cruise” and “hang out” in the downtown area of a city. This created many law enforcement problems for officers assigned to the area. A plan was devised so that officers were deployed into three groups: uniformed foot-patrol, uniformed vehicle-patrol, and plainclothes officers. Officers on foot patrol handled problems associated with drinking, fights, vandalism, etc. Officers in vehicles handled most of the traffic violations. Plainclothes officers acted as observers and relayed information to the uniformed officers who then responded. Careful planning and effective coordination enabled the officers to respond effectively to problems as they occurred.

Example:

An officer learned that a dance was to take place at a club located on her beat. The dance would attract teenagers from all over the city and, although alcohol was prohibited, there was a potential for offsite drinking. The officer made a point of frequently cruising by the club during the evening to observe and to promptly respond to any problems.

Contact and Cover Officers

[21.01.E07]

Introduction

The first officer on scene must take a leadership role for the initial assessment, making contact with the involved parties, and determining if law enforcement action is required. To accomplish these tasks safely, this officer may need to rely on additional support from one or more officers.

Definitions

The **contact officer** is the officer initiating an action who becomes responsible for conducting the contact.

The **cover officer** is the officer responsible for surveillance and control of a suspect in order to free the contact officer to perform a thorough investigation.

NOTE: Officer safety is a primary responsibility of all peace officers at all times. The contact officer should never rely *solely* on the cover officer for protection.

Cover and concealment

“Cover” is a term often associated with combat tactics. Under such conditions, **cover** refers to anything that may *stop* or *deflect* an opponent’s weapon (e.g., brick walls, buildings, portion of the vehicle with the engine block, etc.).

Concealment refers to anything that prevents an opponent from *observing* the officer (e.g., bushes, small trees, tall grass, dark shadows, large crowds, lines of moving vehicles, etc.). Concealment alone does not stop or deflect bullets.

NOTE: For additional information regarding cover and concealment, refer to LD 35: *Firearms/Chemical Agents*.

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Contact and Cover Officers, Continued

Responsibilities It is vital that each officer understand the roles and responsibilities of contact and cover officers.

The <i>contact</i> officer is responsible for...	The <i>cover</i> officer is responsible for...
<ul style="list-style-type: none"> • initiating action. • conducting the essential business required, such as, but not limited to: <ul style="list-style-type: none"> - alerting cover officer that a weapon or contraband is located on the suspect, - conducting thorough systematic searches, - maintaining control of the suspect, - recovering evidence, - recording necessary suspect or incident information, - handling radio communication, and - writing traffic or misdemeanor citations. 	<ul style="list-style-type: none"> • protecting the contact officer from possible interference (e.g. onlookers or associates of the suspect(s)). • alerting the contact officer that a weapon or contraband is located on the suspect. • maintaining constant observation of the overall situation; being aware of possible dangers and potential interferences. • providing a command presence to discourage hostile acts, assaults, or escapes by the suspect. • securing any weapons or contraband; this allows the contact officer to continue searches. • preventing the destruction of evidence. • intervening with appropriate force to protect the contact officer if a suspect reacts violently.

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Contact and Cover Officers, Continued

One-and two-officer units

Depending on the jurisdiction, officers may be assigned to patrol alone or with another officer in the patrol unit. The following table identifies how the roles of contact officer and cover officer pertain under each condition.

IF an officer is assigned to a...	THEN...
one-officer unit	<ul style="list-style-type: none">• the first officer to arrive and initiate any activity assumes the role of <i>contact officer</i>, and• determines if there is a need to call for a <i>cover officer</i> (i.e., backup).• Additional personnel, whether responding to a call for cover or simply stopping at the scene to offer assistance, should automatically assume the role of <i>cover officer(s)</i>.
two-officer unit	<ul style="list-style-type: none">• the officers should agree upon who will act as the <i>contact officer</i> and <i>cover officer</i> in advance of each contact.

Switching roles

In some instances, once the initial contact has been made, officers may decide to exchange contact and cover officer duties. The switch should be verbally communicated and understood by both officers. Such a switch may take place when:

- it is tactically advantageous to do so (e.g., when the suspect's position changes), or
- one officer has specialized training or expertise in a given area (e.g., as a Drug Recognition Expert (DRE), better rapport with a suspect, more knowledge regarding the area, bilingual, or a specific personal skill).

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Contact and Cover Officers, Continued

Switching roles (continued)

In such exchanges, the officer assuming the role of *cover officer* must be in position and fully prepared to respond to any sudden action by the suspect before the original cover officer relinquishes that duty to take on the role as contact officer.

Initial briefings

It is essential that contact officers requesting cover and officers responding *clearly communicate* with one another. Responding officers should be briefed on the details of the contact as thoroughly as possible. The following table identifies elements of such contact officer/cover officer communications.

Upon arrival, the contact officer should advise the cover officer of:	After receiving the information, the cover officer should brief the contact officer on:
<ul style="list-style-type: none">• observations made or evidence obtained.• whether or not a search for weapons has already been conducted.• the reason for the contact and suspected criminal activity.• the contact officer's immediate plans.• any previous knowledge of the suspect(s) and/or an appraisal of their potential for violence.• any other suspicious persons or activity in the area.	<ul style="list-style-type: none">• previous knowledge of the suspect(s).• observations made while approaching the scene.• any significant radio communications the contact officer may have missed.

NOTE: Both officers should verbally confirm what has been told to them by the other officer to ensure that communication was correct.

Continued on next page

Contact and Cover Officers, Continued

Positioning

The exact positioning of the contact and cover officers will vary according to the situation and circumstances. The following table provides general guidelines for establishing positions of advantage.

Contact officers should position themselves to ...	Cover officers should position themselves to ...
<ul style="list-style-type: none">• avoid moving between the cover officer and suspect(s), and• not be in a position of vulnerability.	<ul style="list-style-type: none">• have a clear and unobstructed view of the suspect(s), and the contact officer,• have the best peripheral view of the surrounding areas,• avoid crossfire situations between officers, and• control the likeliest route of escape.

NOTE: Additional information regarding contact and cover officer positioning is provided in LD 22: *Vehicle Pullovers* and LD 23: *Crimes in Progress*.

Weapon searches/ handcuffing

The most hazardous moments of the majority of contacts with suspects occurs during a patdown search for weapons or when the suspect is being handcuffed. Because of the inherent danger, the role of each officer must be clear. For example:

- contact officer conducts the search or cuffing while the
 - cover officer acts as security.
-

Continued on next page

Contact and Cover Officers, Continued

Multiple contact and cover officers

Some major crime scenes or disturbances involving several subjects may require multiple contact and cover officers (e.g., when two or more subjects must be separated and other witnesses individually questioned, when a potentially hostile crowd may interfere, etc.).

In such cases assignments should be absolutely clear and as specific as the situation permits. Assignments should be made by the:

- primary officer (i.e., the first contact officer on the scene), or
 - supervisor.
-

Release of cover officer

Circumstances such as hostile bystanders or the continued presence of suspect(s) companions may dictate that the cover officer maintain position until all of the business of the contact is completed.

Because of this fact, it is the responsibility of the contact officer to determine when the cover officer can be released.

Examples

Example: A two-officer patrol unit initiated a stop for a possible DUI. The contact officer, during the initial contact with the driver, realized that the driver might be under the influence of drugs. Because the officer's partner was a drug recognition expert, the contact officer immediately communicated this information to the cover officer and they decided to switch roles.

Example: Two officers had contacted a subject loitering in a residential area. The subject spoke only Spanish and the contact officer did not. The contact officer decided to switch roles with the cover officer, who spoke Spanish.

Officer Safety While On Patrol

[21.01.EO8]

Introduction

Due to its repetitive nature, a patrol assignment has an inherent danger of appearing routine. As a result, officers can easily become complacent and careless leading to fatal errors.

Inherent danger

While on patrol, officers can encounter some of the most dangerous and threatening conditions. Officers are killed or assaulted in the line of duty when on patrol more than any other law enforcement assignment.

Officers on patrol are more likely to encounter the following types of potentially dangerous incidents.

- Domestic violence and/or disturbance calls
- Investigating suspicious persons
- Arrest situations*
- Ambushes*
- Crimes in progress*
- Vehicle pullover*
- Off duty incidents*
- Pedestrian contacts
- Building search

* High incidence categories

NOTE: The above list is ranked by level of risk to the officer, with the highest risk involving responding to a domestic violence/disturbance call. (*California Law Enforcement Officers Killed and Assaulted Study in the Line of Duty*, (2001). The study covers 1995 - 1999, during which 33 officers lost their lives in the line of duty due to felonious assault.

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Officer Safety While On Patrol, Continued

Fatal errors

Statistical analysis of incidents involving officers killed or assaulted in the line of duty has found that most of the deadly incidents *could have been prevented*. Officers should keep in mind and avoid committing any of the following fatal errors while on patrol.

Fatal Error	Example
<p>Inappropriate attitude</p> <ul style="list-style-type: none"> • Careless or complacent • Overconfident • Too aggressive 	<p>During a wind and rain storm, several business alarms were activated. After determining the first two were false alarms, the officer assumed that all the alarms would also be false. The primary contact officer decided to release the cover officer and respond to the remaining alarms alone. Later, while responding to another of the alarms, the officer was assaulted by a burglar fleeing the scene.</p>
<p>“Tombstone courage”</p> <ul style="list-style-type: none"> • Overly anxious to show one’s own courage • Attempting to handle dangerous situations beyond one’s ability 	<p>A patrol officer, responding to a silent burglary alarm, observed four armed suspects drive away from the building. The officer broadcasted a crime report and requested backup. Without waiting for backup units, the officer pursued the suspects and stopped the vehicle. As the officer approached the vehicle, one of the suspects jumped from the car and shot the officer.</p>
<p>Poor or no planning</p> <ul style="list-style-type: none"> • Rushing into the situation without any plan of action • Failure to establish a plan of action prior to engaging the suspect • Not considering alternative actions 	<p>A two-officer patrol unit saw a young man running from a convenience store followed by the store clerk yelling “stop him.” The clerk was obviously injured. Without taking any of the appropriate actions (notifying dispatch, determining contact/cover roles, etc.) both officers exited the vehicle and began chasing the young man. The officers placed themselves at risk by not having a plan of action, as well as placing the store clerk and others at risk if there had been other suspects still in the store.</p>

Continued on next page

Officer Safety While On Patrol, Continued

Fatal errors
(continued)

Fatal Error	Example
<p>Inadequate communication</p> <ul style="list-style-type: none"> • Not establishing roles (cover, contact, etc.) • Failure to work with other officers as a team • Failure to notify dispatch of actions 	<p>A patrol officer stopped a suspected stolen car with two occupants. A backup unit arrived and the assisting officer approached. Without asking for any information, the backup officer dragged one occupant from the car. The passenger pulled a weapon from his waistband and shot the officer. The backup officer did not wait for direction from the contact officer but acted independently, placing himself and the officer in danger.</p>
<p>Physical and mental fatigue</p> <ul style="list-style-type: none"> • Not enough rest • Attention and reflexes are compromised • Not staying in good physical condition 	<p>An officer was up two consecutive nights with a sick child. Near the end of that day's shift, the officer stopped a pedestrian for questioning and conducted a patdown search for weapons. Because the officer was tired and anxious for the shift to end, the search was poorly conducted. Later during the contact, the officer was assaulted by the suspect with a weapon the officer had failed to find during the search.</p>
<p>Poor positioning</p> <ul style="list-style-type: none"> • Abandoning a safe location • Being too close or in front of the suspect 	<p>While questioning a suspect detained for questioning regarding a nearby burglary, an officer became distracted by a call coming in on the radio in her patrol unit. When the officer, who failed to allow a proper distance between herself and the suspect, turned momentarily away from the suspect, the suspect grabbed for the officer's weapon. Even though the officer was able to retain her weapon and gain control of the suspect, her poor positioning had placed her at unnecessary risk.</p>

Continued on next page

Officer Safety While On Patrol, Continued

Fatal errors
(continued)

Fatal Error	Example
<p>Ignoring danger signs</p> <ul style="list-style-type: none"> • Allowing the assignment to become “routine” • Lack of alertness 	<p>Over time, two officers received repeated calls regarding domestic disturbances at the same residence. The male suspect had always been cooperative and had never resisted the officers. When the officers responded again to the same location, they found the man had been drinking but appeared to be compliant as usual. The officers failed to search the man prior to transporting him and a knife was found on the man when he was searched at the detention facility. The officer’s assumption that the call was “routine” could have proved deadly.</p>
<p>Failure to watch a suspect’s hands</p> <ul style="list-style-type: none"> • Becoming distracted and allowing suspects to arm themselves or assault the officer 	<p>A suspect, arrested for a DUI offence, was handcuffed with his hands behind his back, placed in the back of the patrol unit, and transported to a detention facility. When the officer removed the arrestee from the patrol car, he failed to notice that the arrestee managed to slip the handcuffs to the front of his body. The suspect struck the officer across the face with his cuffed hands and fled from the scene on foot.</p>
<p>Relaxing too soon</p> <ul style="list-style-type: none"> • Not maintaining a position of advantage • Letting one’s guard down 	<p>An officer transported a suspect to the emergency room for medical attention prior to taking the man to the detention facility. The suspect, an elderly man, had been quiet and compliant during transport. During the admission process at the hospital, the officer turned away from the man to talk to the in-take nurse. The suspect, in an attempt to escape, took advantage off the officer’s distraction, grabbed a nearby metal instrument, and struck the officer.</p>

Continued on next page

Officer Safety While On Patrol, Continued

Fatal errors
(continued)

Fatal Error	Example
<p>Improper use or no use of handcuffs</p>	<p>One officer detained two young men for questioning. The officer handcuffed one man's left wrist to a nearby chain link fence to prevent him from running away while he conducted a patdown search on the other man. With the remaining free hand, the handcuffed man grabbed a nearby piece of wood and struck the officer in the back of the head.</p>
<p>Failure to search or conducting a poor search</p> <ul style="list-style-type: none"> • Making assumptions based on overconfidence or inadequate technique 	<p>Two officers chased a suspect into the suspect's home and found him hiding in a closet. They took the suspect into custody. Believing the suspect was alone, the officers failed to search the remainder of the house. As the officers were escorting the suspect outside, the suspect's brother, who had been hiding in another bedroom, began shooting at the officers from the bedroom window.</p>
<p>Poor care and maintenance of equipment</p> <ul style="list-style-type: none"> • Dirty or inoperative weapon • Failure to keep equipment in top condition 	<p>While being searched, a suspect was able to grab the contact officer's handgun and shoot the officer. When the cover officer drew her service weapon and fired at the suspect, the weapon failed to discharge. The officer had failed to properly clean her handgun when she had last used it on the firing range, causing the weapon to become jammed.</p>

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Officer Safety While On Patrol, Continued

Elements of officer safety

Officer safety refers to the practical application of tactically sound procedures to perform law enforcement activities in a safe and effective manner.

Officer safety involves:

- the attitude and physical conditioning of the officer,
 - initial and ongoing training,
 - appropriate care and use of equipment, and
 - utilization of available resources.
-

Officer safety guidelines

There are several general safety guidelines which officers should know. By practicing these guidelines, officers can avoid fatal errors:

Safety Guidelines	Additional Information
Approach <i>every</i> contact with officer safety in mind.	<ul style="list-style-type: none">• Guard against complacency and overconfidence regarding stops, calls, and investigations that make up a patrol officer's daily tasks.
Be mentally prepared.	<ul style="list-style-type: none">• <i>Never</i> assume a call is a "false alarm."• Maintain good communication with contact/cover officers.• Prepare for a "worst case scenario."
Maintain skills.	<ul style="list-style-type: none">• Maintain good physical conditioning to promote self-confidence. Take advantage of recurrent training to maintain skills and overcome complacency.• Stay current on improvements in equipment, tactics, and techniques.
<i>Always</i> be aware of the suspect's hands.	<ul style="list-style-type: none">• In the majority of cases involving officers killed or assaulted in the line of duty, the suspects used their hands to arm themselves.

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Officer Safety While On Patrol, Continued

Officer safety guidelines (continued)

Safety Guidelines	Additional Information
Be aware of and use available cover.	<ul style="list-style-type: none"> In <i>every</i> situation, identify items that would provide adequate cover if needed. Use, be ready to use, and/or move to cover when necessary.
Ask for backup when necessary.	<ul style="list-style-type: none"> Seek backup in high risk situations (e.g., building searches). If assistance is requested, <i>wait</i> for that assistance to arrive before abandoning cover or taking action.
Use available communication systems.	<ul style="list-style-type: none"> Use available communication systems to transmit appropriate and accurate safety and tactical information. Understand the limitations of your communications equipment.
Be aware of distance and positioning.	<ul style="list-style-type: none"> Identify, plan, then move to positions of advantage. Avoid abandoning a safe location or rushing into a potentially dangerous area.
Utilize proper safety equipment.	<ul style="list-style-type: none"> Body armor is the single most effective item of safety equipment that a peace officer can use. <p>NOTE: Although body armor greatly enhances an officer's survivability in a lethal confrontation, it should never replace proper tactics when handling high risk incidents.</p>

NOTE: Additional safety guidelines are presented throughout this workbook as well as LD 22: *Vehicle Pullovers* and LD 23: *Crimes in Progress*.

Chapter Synopsis

Learning need To safely and effectively fulfill their duties of public protection and service, peace officers must be able to develop appropriate law enforcement patrol strategies under a wide variety of circumstances and conditions.

Patrol strategies [21.01.EO1] There are two basic patrol strategies patrol officers can employ to provide protection and service.

Selection of a patrol strategy [21.01.EO2] An officer's choice of a patrol strategy is dependent on a number of factors:

- Desire for public visibility
- Type of criminal activity in the designated area
- Existence of problem areas
- Existing environment or conditions
- Area demographics
- Community activities
- Availability of community resources
- Geography/topography
- Adequacy of access and egress to various locations
- Department/agency policies and resources

Security checks [21.01.EO4] When conducting security checks, patrolling officers should:

- cover as much of their assigned area as possible including secondary thoroughfares (e.g., alleys, walkways, parking areas, etc.)
- pay extra attention to areas that have a high crime risk,
- constantly vary patrol patterns and routines to prevent predictability,
- employ appropriate investigative tactics and equipment, (e.g., use of spotlights, flashlights, alley lights, etc.) and
- implement additional patrol methods whenever possible (e.g., foot patrol, bicycle patrol, etc.).

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Chapter Synopsis, Continued

**Contact
and cover
officers
[21.01.E07]**

The *contact officer* is the officer initiating an action who becomes responsible for conducting the contact. The *cover officer* is the officer responsible for surveillance and control of a suspect in order to free the contact officer to perform a thorough investigation.

**Officer
safety
[21.01.E08]**

Officer safety refers to the practical application of tactically sound procedures to perform law enforcement activities in a safe and effective manner.

- Approach *every* contact with officer safety in mind.
 - Be mentally prepared.
 - Maintain physical and tactical skills.
 - *Always* be aware of the suspect's hands.
 - Be aware of and use available cover.
 - Ask for backup when necessary.
 - Use available communication systems.
 - Be aware of distance and positioning.
 - Utilize proper safety equipment.
-

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

3. Two officers arrive at the scene of a disturbance at a local high school football game. Witnesses report that three students (2 males, 1 female) had been throwing bottles. One bottle struck another student on the head, knocking her unconscious. School officials called an ambulance, which arrived just after the officers. The three bottle throwers are being held near the field by a group of teachers. The suspects are exhibiting signs of intoxication and are beginning to struggle with those detaining them. Outline appropriate contact and cover officer actions from this point through placing the suspects into the patrol vehicle.

Workbook Corrections

Suggested corrections to this workbook can be made by going to the POST website at: www.post.ca.gov.

Continued on next page

Workbook Corrections, Continued

Student notes

Chapter 2

Patrol Methodologies and Tactics

Overview

Learning need To maintain flexibility and effectiveness, peace officers need to know the basic tactics and procedures of patrol.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to...	E.O. Code
<ul style="list-style-type: none">• describe patrol officer responsibilities when preparing for each patrol assignment, to include:<ul style="list-style-type: none">- checking all personal equipment- acquiring any necessary information and materials/supplies- inspecting each piece of equipment issued at beginning of shift- mental preparation	21.02.EO3
<ul style="list-style-type: none">• discuss tactical considerations and guidelines for patrolling effectively:<ul style="list-style-type: none">- determining appropriate speed,- patrol vehicle placement, and- avoiding silhouetting and telltale noise.	21.02.EO6 21.02.EO7 21.02.EO8
<ul style="list-style-type: none">• demonstrate proper procedures for transmitting and receiving a radio communication.	21.02.EO9
<ul style="list-style-type: none">• discuss information an officer should include when generating a crime broadcast.	21.02.EO10

Continued on next page

Overview, Continued

Learning objectives (continued)

After completing study of this chapter, the student will be able to...	E.O. Code
<ul style="list-style-type: none">demonstrate safe and effective tactics for approaching and detaining a pedestrian subject.	21.02.EO11
<ul style="list-style-type: none">select appropriate actions when encountering a plainclothes/undercover officer while on patrol.	21.02.EO12
<ul style="list-style-type: none">discuss safe and effective tactics for initiating a foot pursuit of a fleeing subject.	21.02.EO13

In this chapter

This chapter focuses on actions and tactics officers may employ while on patrol. Refer to the chart below for specific topics.

Topic	See Page
Patrol Methodologies and Tactics Overview	2-1
Preparing for a Patrol Assignment	2-3
Basic Patrol Tactical Considerations	2-11
Use of Communication Equipment	2-19
Pedestrian Contacts	2-28
Plainclothes/Undercover Officer Contacts	2-40
Foot Pursuits	2-41
Chapter Synopsis	2-51
Workbook Activities	2-53

Preparing for a Patrol Assignment

[21.02.EO3]

Introduction

Having proper equipment to handle expected duties is key to officer safety and effectiveness while on patrol. All equipment carried by an officer while assigned to patrol must be authorized, serviceable, and well maintained. The ultimate responsibility to see that all equipment is available and meets this criteria belongs to each officer.

Preparation

Preparation prior to beginning a patrol assignment generally includes:

- preparing mentally to do the job,
 - checking all personal equipment,
 - acquiring any necessary resource information and materials/supplies, and
 - inspecting each piece of issued equipment at the beginning of the shift.
-

Mental preparation

Before the beginning of a patrol shift, officers must also prepare themselves. Mental preparation is vital to move from civilian routine, cares, concerns, and worries to the roles and responsibilities of professional officers.

Mental preparation must include:

- getting enough rest to prevent physical and mental fatigue,
 - maintaining good physical conditioning with proper exercise and diet,
 - continually adding to and refreshing one's own knowledge and skills, focusing on the proper attitudes and emotions, and putting personal problems or issues temporarily aside (e.g., family/relationship problems, financial problems, issues and tasks outside law enforcement duties, etc.).
-

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Preparing for a Patrol Assignment, Continued

Mental preparation (continued)

Mental preparation also includes recognizing one's own limitations that particular day. If an officer is ill or taking certain prescription or nonprescription medications that could hinder or infringe on that officer's ability to function, the officer should request a different assignment for that day. If not done, such officers may not only be placing their own safety in jeopardy, but also the safety and well being of others.

NOTE: Agencies may have specific policies regarding the use of prescription and nonprescription drugs and medications while on duty. Officers are responsible for knowing and complying with their own agency policies.

Continued on next page

Preparing for a Patrol Assignment, Continued

Personal equipment and supplies

An officer's personal equipment includes any item issued to the officer which remains with the officer at all times. The specific type of personal equipment carried by officers may vary by agency.

Prior to each patrol shift, individual officers are responsible for checking their own personal equipment for serviceability, appearance, and conformance with agency policy.

Equipment to be Checked	Examples
Components of the officer's uniform	<ul style="list-style-type: none">• Badge and name plate• Shirt• Pants• Hat• Shoes
Items carried or worn by the officer	<ul style="list-style-type: none">• Body armor (e.g., vest)• Leather/nylon web gear belt• Holster and handgun• Backup weapon (if applicable)• Chemical agents (e.g., pepper spray, etc.)• Handcuffs and other restraint equipment• Impact weapon (e.g., baton)• Flashlight, fully charged or with working batteries

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Preparing for a Patrol Assignment, Continued

Personal equipment and supplies
(continued)

Equipment to be Checked	Examples
Other supplies	<ul style="list-style-type: none"> • Clipboard and writing implements • Citation book • Inclement weather gear • Helmet and face shield • Gloves (e.g., leather, rubber, latex) • Binoculars • CPR mask • Evidence collection supplies (e.g., fingerprint kit) • Court calendar • Area map(s) • Legal reference materials (e.g., Penal Code, Vehicle Code, Municipal/County Code, etc.) • Report forms • Citation forms (“Notice to Appear”) • Any other equipment approved by agency policy • First Aid Kit

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Preparing for a Patrol Assignment, Continued

Weapons

Before any firearm inspection is conducted, the weapon must be rendered safe.

Patrol officers should perform a safety inspection of their own handguns and other weapons. Problems identified during an inspection should be addressed immediately or as soon as possible.

The following table identifies inspection points when conducting a weapons inspection.

Equipment	Inspection Considerations
Handgun (including backup)	<ul style="list-style-type: none">• Cleanliness• Exterior components (e.g., barrel, hammer, slide, slide lock, safety, etc.)• Interior components (e.g., chamber, cylinder, firing pin, etc.)
Holster	<ul style="list-style-type: none">• General wear• Safety straps/snaps
Ammunition, magazines, loaders (including backup gun)	<ul style="list-style-type: none">• Correct type and caliber• General cleanliness• Amount• Age or freshness• Operating parts (e.g., body, follower, spring, feed lips, floor plate)

Continued on next page

Preparing for a Patrol Assignment, Continued

Weapons (continued)

Equipment	Inspection Considerations
Chemical agent device	<ul style="list-style-type: none">• Content amount• Expiration date• Trigger device• Nozzle <p>NOTE: Shake each device prior to each shift.</p>

NOTE: For additional information regarding inspection, care, and maintenance of weapons, refer to LD 35: *Firearms/Chemical Agents*.

Information acquisition

Prior to beginning a patrol assignment, each officer must take responsibility for acquiring all necessary resource information as well as other materials and supplies.

Possible sources for acquiring information include, but are not limited to:

- the daily incident log,
- crime reports affecting assigned area,
- agency crime analysis unit
- briefing boards,
- the hot sheet/watch bulletin,
- warrants,
- debriefing by off-going shift, and
- specialized units such as:
 - investigation,
 - narcotics,
 - gangs,
 - robbery,
 - burglary, etc.

Continued on next page

Preparing for a Patrol Assignment, Continued

Issued equipment

Typically, each officer will receive a variety of equipment at the beginning of a patrol shift that must be returned at the end of that shift.

An officer rarely has the same equipment issued each shift. Instead, each item is handed out randomly and, over time, is used by many different officers. For this reason, officers should be particularly careful and thorough when inspecting each piece of issued equipment.

The following table identifies equipment that may be issued to patrol officers and considerations for inspection of that equipment.

Issued Equipment	Inspection Considerations
Patrol vehicle	<ul style="list-style-type: none">• Rear seat for contraband/weapons• Fuel level• Emergency equipment (e.g., lights, flashers, siren, p.a. system, etc.)• Tires, brakes, horn• Vehicle code equipment violations, current registration tabs• Damage (interior and exterior)• Mileage report, service dates, etc.• Trunk equipment (e.g., spare tire, jack, flares, first aid kit, crime scene tape, fire extinguisher, etc.)• In-car video equipment <p>NOTE: For additional information regarding vehicle inspections, refer to LD 19: <i>Vehicle Operations</i>.</p>

Continued on next page

Preparing for a Patrol Assignment, Continued

Issued Equipment
(continued)

Issued Equipment	Inspection Considerations
Shotgun	<ul style="list-style-type: none">• Proper ammunition• Amount of ammunition• Components (i.e., barrel, extractor, ejector, firing pin, and safety)• Operation of shotgun rack (manual or electronic) <p>NOTE: For additional information regarding inspecting shotguns, refer to LD 35: <i>Firearms/Chemical Agents</i>.</p>
Portable hand held radio	<ul style="list-style-type: none">• Batteries/charge• Transmission/reception• Damage

NOTE: Patrol vehicles also include motorcycles, bicycles, etc. Each should be carefully inspected.

Basic Patrol Tactical Considerations

[21.02.EO6, 21.02.EO7, 21.02.EO8]

Introduction Effective patrol involves more than simply driving through an assigned area and responding to radio calls. It requires officers to engage in situations which enable the officer to observe specific areas requiring attention.

Predictability A patrol assignment is often *erroneously* referred to as “routine.” One of the primary objectives of a patrol assignment is to prevent any semblance of an anticipated routine.

When officers establish predictable patrol patterns, their effectiveness in suppressing crime is often compromised. Suspects have been known to deliberately observe an officer’s patrol pattern in order to plan criminal activity and avoid detection.

Speed Officers should patrol at a speed that is reasonable for the tasks they are performing (e.g., patrolling in heavy traffic, patrolling in a residential or business area, etc.).

Driving at a *slower* speed while on patrol:

- provides a maximum opportunity to observe while maintaining effective control of the vehicle.
 - contributes to public awareness and visibility.
 - maximizes contact with members of the community and provides a positive law enforcement image.
 - decreases engine noise enabling an officer to get closer to criminal activity without being detected.
-

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Basic Patrol Tactical Considerations, Continued

Emergency responses - "Code 3"

An "emergency response call" cannot be defined exactly. However, applied to law enforcement it means a situation exists that requires immediate law enforcement attention for the protection of individuals or property. An emergency response call is also known as a *Code-3* response.

NOTE: The exceptions granted under *Vehicle Code Section 21055* may not protect officers from criminal prosecution or their agencies from civil liability if the officers cause an accident due to their own reckless driving or wanton disregard for the safety of others (*Vehicle Code Section 21056*).

NOTE: Agencies may have specific policies regarding Code 3 driving conditions. Officers are responsible for knowing and complying with their own agency policies.

NOTE: For additional information regarding emergency response driving and law enforcement vehicle operations, refer to LD 19: *Vehicle Operations*.

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Basic Patrol Tactical Considerations, Continued

Vehicle placement

Officers should always make a reasonable effort to stop or park their patrol vehicles in a lawful manner.

Although it may seem minor to the officer, a patrol vehicle illegally parked when no emergency exists can infuriate members of the community and unnecessarily damage community relations with law enforcement. Parking illegally when no emergency exists can also expose a law enforcement agency to liability if the vehicle's placement contributes to a collision.

The following table presents general guidelines for selecting a location when parking law enforcement vehicles during non-emergency and emergency situations.

Situation	General Guidelines
Non-emergency	<ul style="list-style-type: none">• Select a location that is protected from vandalism or tampering (e.g., nails, pipe bombs, etc.).• If conducting <i>preventative patrol</i>, park in an area that would provide maximum visibility to the public.• If conducting <i>directed enforcement patrol</i>, consider legal as well as visibility factors when selecting a location to park.• Always secure the vehicle and take the keys.

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Basic Patrol Tactical Considerations, Continued

Vehicle placement (continued)

The following table presents general guidelines for selecting a location when parking law enforcement vehicles during non-emergency and emergency situations.

Situation	General Guidelines
Emergency	<ul style="list-style-type: none">• Consider the nature of the incident (e.g., responding to a crime in progress, traffic situations, etc.).• If the vehicle must be parked in an illegal location, the officer should move the vehicle to a legal location once the emergency is over.• Allow for placement, ingress, and egress of other emergency vehicles (e.g., ambulance, fire equipment, etc.).• Consider the available terrain and type of building when selecting a location.• Flashing or amber lights may be left on to let the public know the vehicle is parked in that location for a reason.• Always secure the vehicle and take the keys.

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Basic Patrol Tactical Considerations, Continued

Silhouetting

Being aware of artificial light (e.g., street lights, apartment/residential floodlights, etc.) while on patrol is critical to officer safety.

If an officer assumes a position between a suspect and a source of back light, the officer's silhouette could:

- make the officer a potential target,
 - provide the suspect with the exact location of the officer,
 - identify how many officers are present,
 - indicate what actions the officer is taking (e.g., surveillance, approach, etc.),
 - take away the element of surprise on the part of the officer, and
 - allow the suspect to plan an alternate course of action.
-

Ways to avoid silhouetting

The following table identifies a number of actions an officer may take to avoid the potential problems associated with silhouetting while on patrol.

Officer Activity	General Guidelines
Within a patrol vehicle	<ul style="list-style-type: none">• Be aware of sources of backlighting when traversing open areas (e.g., streets, alleys, fields, etc.).• Position the patrol vehicle away from street lights or other sources of backlighting.• Disable interior patrol vehicle lighting that is activated when a door is opened.
On foot patrol	<ul style="list-style-type: none">• Avoid walking through spotlight or head lamp beams when approaching pedestrians and/or vehicles.• Do not stand in doorway, hallways, or in front of windows.• Do not peer openly through windows.

Continued on next page

Basic Patrol Tactical Considerations, Continued

Ways to avoid silhouetting (continued)

Officer Activity	General Guidelines
Using a flashlight/map light	<ul style="list-style-type: none"> • Hold the flashlight in such a way as not to illuminate oneself or other officers or units. • Use red bulbs or diffuse the light source to minimize light intensity. • Keep flashlight use to a minimum and only when necessary.

Telltale noise

Making any telltale noise can jeopardize officer safety while on patrol. The following table identifies a number of sounds that may indicate the presence of law enforcement officers and patrol vehicles and guidelines for avoiding them.

Activity	General Guidelines
Vehicle approach	<ul style="list-style-type: none"> • Reduce vehicle noise prior to approach. • Secure seat belts and doors quietly. (Officers may elect to remove their seat belts immediately <i>before</i> arrival at the scene, depending on departmental policy.) • Close doors quietly rather than slamming.
Using law enforcement radios	<ul style="list-style-type: none"> • Reduce the volume. • Use ear piece if available.

Continued on next page

Basic Patrol Tactical Considerations, Continued

**Telltale
noise**
(continued)

Activity	General Guidelines
Walking	<ul style="list-style-type: none">• Secure all keys, handcuffs, and any other loose or small items.• Ensure baton does not bang against any other objects.• Ensure that leather gear and footwear are properly maintained to prevent “squeaking.”• When possible, avoid stepping on leaves, twigs, rocks, and gravel that could make noise when the officer moves or compromise a solid footing.
Using electronic devices	<ul style="list-style-type: none">• Pagers should be set on vibrate mode rather than audible beeping or turned off for maximum officer safety.• Carry a cellular phone only if the ringer can be silenced.• Alarms on wrist watches should be deactivated.
Communicating with other patrol officers	<ul style="list-style-type: none">• Avoid unnecessary conversation.• Use prearranged hand signals and word codes when appropriate.

Continued on next page

Basic Patrol Tactical Considerations, Continued

Patrolling specific areas

Officers should be aware of many considerations when patrolling specific areas within their area of assignment.

Areas	General Guidelines
School grounds	<ul style="list-style-type: none"> • Be especially aware of: <ul style="list-style-type: none"> - signs of drug transactions and other drug related activity, - individuals attempting to accost, videotape, or photograph children, or - indications of possible gang activity (e.g., wearing of colors, crowds of youth, etc.).
High risk areas (e.g., gang hangouts, known locations of drug activity, etc.)	<ul style="list-style-type: none"> • Become familiar with: <ul style="list-style-type: none"> - hazardous locations/residences, - specific individuals who, based on previous contacts or information, may be a threat to law enforcement, and - current or impending gang warfare or potential actions of retaliation. • When possible, supplement motorized patrol vehicles with foot patrols. • Consider the need for cover officer(s) and adhere strictly to contact and cover tactics (e.g., use of two patrol units or one two-person unit). • Map out areas such as known gang locations, parks, dense housing complexes, etc.

Use of Communication Equipment

[21.02.EO9, 21.02.EO10]

Introduction

Proper and effective use of communication equipment such as mobile and hand-held radios and mobile digital terminals (MDTs) is every officer's lifeline to the law enforcement support system.

The specific types of equipment used by officers can vary depending on the methods of patrol and available resources of the officer's agency. Regardless of available equipment, knowledge of the system's capabilities, procedures for proper use, and communication range can save an officer's life.

Types of radio traffic

Officers will encounter two primary types of radio transmissions or "traffic": **non-emergency radio traffic** and **emergency radio traffic**.

	Examples
Non-emergency Traffic	<ul style="list-style-type: none">• Status changes (e.g., back in service, routine change of locations, etc.)• All Points Bulletins (APBs) not related to emergency situations• Calls for service
Emergency Traffic	<ul style="list-style-type: none">• Officer-involved shootings• Officer calls for help• In-progress felonies• Crime broadcasts• Pursuits/failures to yield• Other situations as identified by agency policies <p>NOTE: Emergency traffic always has priority. All non-emergency transmissions should be held until the termination of emergency traffic.</p>

Continued on next page

Use of Communication Equipment, Continued

FCC rules and regulations

All law enforcement radio communication must comply with Federal Communications Commission (FCC) rules and regulations. Noncompliance with the FCC regulations could result in fines and/or loss of use of radio frequencies.

FCC rules and regulations include, but are not limited to, the following:

- All profanity is prohibited.
 - There should be no malicious interference with authorized communications.
 - Unnecessary transmissions are prohibited. This includes the use of:
 - humor,
 - slang, and/or
 - familiar comments used in other conversation (e.g., “please,” “thank you,” etc.).
 - Full identities (call signs) must *always* be used.
-

Call signs

The use of an entire **call sign** (i.e., caller/receiver identification information) is required by the FCC to avoid misidentification between the senders and receivers of radio communications.

Although specific call signs used generally are agency specific, they may include information regarding transmitting and receiving officers’:

- specific unit identification,
 - designation for the area of assignment, and
 - the agency involved.
-

Continued on next page

Use of Communication Equipment, Continued

Radio demeanor

All officers should be familiar with and employ the basic ABCs of radio communication demeanor.

	General Guidelines
A ccuracy	<ul style="list-style-type: none">• Use common terminology.• Be specific regarding all requests.• Convey critical information (i.e., crime broadcasts) accurately and completely.
B revity	<ul style="list-style-type: none">• Plan all transmissions.• Conserve air time.• Initiate only necessary transmission.
C ourtesy	<ul style="list-style-type: none">• Spell difficult or uncommon names phonetically.• Avoid cutting off or overstepping other radio traffic.• Maintain effective working relations with dispatch operators and other patrol units.

Continued on next page

Use of Communication Equipment, Continued

Radio transmissions

The following table presents basic guidelines for executing an appropriate radio transmission.

Action	General Guidelines
Monitor the frequency first.	<ul style="list-style-type: none"> • Listen to existing radio traffic. • Assess whether it is routine or emergency traffic. • Wait until the air is clear (no traffic) before initiating a transmission.
Initiate the call.	<ul style="list-style-type: none"> • Firmly press and hold the transmit button. (Officers should avoid cutting themselves off by inadvertently releasing the button.) • Wait one to two seconds before speaking. • Position the microphone properly, approximately two inches from the speaker's mouth.
Speak clearly.	<ul style="list-style-type: none"> • Give a complete call sign. • Speak slowly. • Enunciate clearly. • Use a calm normal speaking voice. • Speak in a normal volume unless background noise dictates otherwise.
Limit length of transmission.	<ul style="list-style-type: none"> • Allow breaks for other emergency traffic. • Allow time for the receiver of the call to speak. • Be aware of distance and geographic limitations and capabilities, such as: <ul style="list-style-type: none"> - existing mountains, canyons, etc., that may affect transmission, or - the use of radio repeaters for transmission.

NOTE: Officers must always be aware of when their microphones are keyed on in order to prevent the inadvertent transmission of unnecessary or inappropriate conversations.

Continued on next page

Use of Communication Equipment, Continued

Receiving messages

Officers should listen for and always acknowledge receiving a unit transmission. Acknowledgments should include the receiver's complete call sign and follow the same basic guidelines for initiating a radio transmission.

NOTE: A radio "click" is not an identifiable or acceptable acknowledgment of a radio transmission.

Numeric radio codes

In order to enhance clear yet brief communication, officers may use agency specific numeric communication codes.

Examples of numeric codes include, but are not limited to, the use of:

- "Code 3" (emergency call for officer response),
 - "Code 4" (cancellation of a "Code 3" call), or
 - statutory reference numbers for specific crimes or activities such as:
 - "211" when referring to a robbery (*Penal Code Section 211*),
 - "5150" when referring to a person with a possible mental disorder (*Welfare and Institutions Code Section 5150*),
 - "23152" when referring to driving while under the influence of alcohol (*Vehicle Code Section 23152*), or
 - "11550" when referring to being under the influence of a controlled substance (*Health and Safety Code Section 11550*).
-

Continued on next page

Use of Communication Equipment, Continued

Crime broadcasts

Officers are often required to gather and transmit critical information when responding to criminal activity. The effectiveness of such broadcasts can be greatly impacted by the officer's ability to clearly transmit the appropriate type and amount of information. The following table identifies types of information that should be included when communicating an emergency **crime broadcast**.

Type of Information	Examples	
Incident specifics	<ul style="list-style-type: none"> Type of incident (e.g., burglary, assault, etc.) Exact location Time of occurrence 	
Victim related	<ul style="list-style-type: none"> Number of victims Type of injuries sustained Need for emergency medical assistance 	
Suspect related	Physical description	<ul style="list-style-type: none"> Race/complexion Sex Age (estimate) Height/weight
	Clothing	<ul style="list-style-type: none"> General build Hair color/style Eye color Clothing worn head to toe (e.g., shirt/blouse, pants/skirt, shoes, etc.) Clothing worn inside to outside (e.g., shirt/sweater/jacket, etc.) Head gear (e.g., bandana, helmet, etc.) Glasses
	Distinguishing characteristics	<ul style="list-style-type: none"> Facial hair Tattoos Scars/marks Speech impediments Physical impairments Body piercing
	Flight	<ul style="list-style-type: none"> Direction Mode (e.g., on foot, automobile, etc.)

Continued on next page

Use of Communication Equipment, Continued

Crime
broadcasts
(continued)

Type of Information	Examples	
Vehicle	<ul style="list-style-type: none"> • Color • Make • Year • Body style (e.g., two-door, four-door, convertible, pick up, etc.) • License (number and state) • Additional descriptors such as: <ul style="list-style-type: none"> - body damage - loud muffler - number and description of occupants - equipment (e.g., camper shell) 	
Weapon	Firearms	<ul style="list-style-type: none"> • Type <ul style="list-style-type: none"> - handgun (e.g., semiautomatic, revolver) - shotgun - rifle • Caliber/gauge • Barrel length (e.g., sawed off shotgun) • Color (e.g., blue steel, chrome, etc.)
	Edged weapons	<ul style="list-style-type: none"> • Type (e.g., switch blade, hunting knife, etc.) • Size
	Other weapons	<ul style="list-style-type: none"> • Type (e.g., baseball bat, crossbow, etc.) • Specific description

Continued on next page

Use of Communication Equipment, Continued

Crime broadcasts
(continued)

Type of Information	Examples
Description of loss	<ul style="list-style-type: none"> • Vehicle (e.g., make, model, license plate number, if known, etc.) • Purse (e.g., contents, amount of money, credit cards, etc.) • Jewelry (e.g., type of metal/stones, etc.) • Equipment/tools (e.g., model, serial number if known, etc.)
Law enforcement action to be taken if suspect located	<ul style="list-style-type: none"> • Observe only • Field interview • Stop and arrest • Impound property

NOTE: Describe each suspect/vehicle separately.

NOTE: For additional information regarding crime scene broadcasts, refer to LD 30: *Preliminary Investigation*.

Continued on next page

Use of Communication Equipment, Continued

Examples

Example: An officer contacted an individual who had just been the victim of a car jacking. The officer obtained the appropriate information and cleared the air for a Be-on-the-Look-Out (BOLO) broadcast. The officer communicated the type of crime, weapons used, location and time of occurrence, suspect description, suspect vehicle (car jacked vehicle) description, and direction of travel. The officer included all the necessary information in the broadcast.

Example: The following is a radio broadcast issued by an officer who was engaged in a vehicle pursuit of a hit-and-run suspect. “Four Sam One, I am in pursuit of a green Ford Mustang, south on Main Street. The violator hit a parked car and now is going 70+ mph. We are still south on Main passing Palm Avenue. The suspect is a white male, about 18 years old. I am too far back to see the license plate, but it’s a Nevada plate.” The officer communicated all the available, pertinent information.

Non-Example: The same scenario as above but the broadcast from the officer was: “Four Sam One, I am in pursuit of a Mustang. He hit a parked car and we are nearing Palm Avenue. I am too far back to see the license number.” The officer did not give the location, direction of travel, suspect description, or that the license plate was from Nevada.

Pedestrian Contacts

[21.02.EO11]

Introduction

In the course of patrolling, officers initiate various contacts with pedestrians observed within their area of assignment. When making such contacts, officers must be aware not only of their own safety but also of the rights of the individuals.

Legal considerations

To protect an individual's constitutional rights, officers must have a clear understanding of a pedestrian contact considered a lawful **consensual encounter** from one that would constitute a lawful **detention**.

The following table presents a comparison of both types of pedestrian contacts.

	Consensual Encounter	Detention
Description	Contact between an individual and an officer where the individual is not obligated to stay, cooperate or answer questions	<ul style="list-style-type: none">• An assertion of authority that would cause reasonable individuals to believe that they are obligated to stay, cooperate, or answer questions.
Individuals	Told they are free to leave or not cooperate at any time.	<ul style="list-style-type: none">• Told they must cooperate and are not free to leave the scene until told they can do so.
Justification Required	None	<ul style="list-style-type: none">• Officer must have reasonable suspicion; that is, a factual basis for suspecting the individuals are connected with criminal activity.

Continued on next page

Pedestrian Contacts, Continued

Legal considerations
(continued)

	Consensual Encounter	Detention
Time Element	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Limited to time reasonably necessary to resolve suspicion.
Permissible Actions	<ul style="list-style-type: none"> • <i>Requests</i> for identification or other information • Casual conversation • Information dissemination 	<ul style="list-style-type: none"> • Prevent suspect from leaving until reasonable suspicion is resolved. • Gather identification and personal information. • Ask the individual questions regarding a specific incident. • Contact other individuals. • Check an area, premise, or object to determine if a crime has occurred.
Restraint / Use of Force	<ul style="list-style-type: none"> • None allowed 	<ul style="list-style-type: none"> • <i>Reasonable</i> amount if <i>necessary</i> to compel the suspect to remain.
Search Allowed	<ul style="list-style-type: none"> • None, unless consent is given. Also, officers may confiscate any contraband in plain sight. 	<ul style="list-style-type: none"> • None, except for a patdown search for weapons <i>if</i> officers have a factual basis for suspecting the person may be armed.

Continued on next page

Pedestrian Contacts, Continued

Examples

Example: A suspect began to get nervous during questioning, looked around, and started to walk away; the officer ordered the suspect to stay. When the suspect continued to walk away, the officer went after him, grabbed him by the arm, escorted him to the squad car, and placed him in the back seat.

Example: When an officer started checking whether the person she had detained had an outstanding warrant, the person turned and ran. The officer chased after him and grabbed him. When he continued to struggle, the officer handcuffed him. The officer then walked the person back to the patrol car and confirmed the outstanding warrant.

NOTE: A consensual encounter may escalate to the level of detention, or a detention to an arrest, depending on information gathered by the officers.

NOTE: For additional information regarding consensual encounters, detentions, refer to LD 15: *Laws of Arrest*, and/or *California Peace Officer's Legal Source Book*, Chapter 2.

Continued on next page

Pedestrian Contacts, Continued

Checks of persons

While using a preventative patrol strategy, officers are also looking for individuals who may be involved in suspicious activities. An officer may need to detain a person in order to investigate that person's involvement in possible criminal activity.

A detention or stop is an assertion of authority that would cause a reasonable person to believe they are obligated to stay, cooperate, or answer questions.

A detention is something less than an *arrest*, but more substantial than a simple consensual encounter.

NOTE: For additional information regarding consensual encounters, detentions and arrest, refer to LD 15: *Laws of Arrest*.

Lawful detention

To be lawful, a detention must be based on *reasonable suspicion* that criminal activity has taken place or is about to take place, and the person detained is connected to that activity.

Reasonable suspicion is the standard used to determine whether a detention is legal. Reasonable suspicion exists when a peace officer has facts and circumstances to make it reasonable for the officer to suspect that criminal activity may be occurring and the person detained is connected to that activity.

Reasonable suspicion may be based on:

- observation,
- personal training and/or experience, or
- information from eyewitnesses, victims, and/or other officers.

NOTE: Reasonable suspicion *cannot* be based on a hunch or instinct. If reasonable suspicion does not exist, the case against the defendant may be dismissed or any evidence seized may be excluded from trial.

Continued on next page

Pedestrian Contacts, Continued

Investigative actions

Once officers have stopped or detained a suspect, they may take whatever investigative actions are reasonable under the circumstances to determine the suspect's identity and possible participation in a crime.

Common investigative actions may include, but are not limited to:

- conducting a patdown search of the individual for weapons,
- questioning the suspects about their identities and conduct,
- contacting other individuals to confirm explanations, verifying identification, or determining whether a person is wanted (warrant check), or
- checking premises, examining objects, or contacting neighbors or other individuals to determine whether a crime (e.g., burglary) actually occurred.

NOTE: Refer to current case law addressing a detainee's legal obligation to answer questions posed by officers during a lawful detention.

Length of detention

A detention must be temporary and last no longer than is necessary to carry out the purpose of the stop. A detention which is legal at the beginning will become invalid if extended beyond what is reasonably necessary under the circumstances.

Often what officers see and hear during the detention (evasiveness, nervousness, conduct, property) will increase their suspicion, justify a longer detention, and possibly provide probable cause for arrest.

On the other hand, if the suspect satisfactorily answers all questions about the suspicious circumstances so that suspicion decreases or disappears, the suspect must be released.

Continued on next page

Pedestrian Contacts, Continued

Consequences of inappropriate detentions

Without proper knowledge and understanding of the actions leading to, or during, a pedestrian contact, officers may cause:

- an improper or unlawful detention or arrest,
 - unsuccessful court prosecutions, or
 - possible injury to the officers or pedestrians.
-

Officer safety

Officers must approach *every* contact, whether a consensual encounter or a lawful detention, with officer safety in mind. Complacency, overconfidence, poor planning, or inappropriate positioning can leave officers vulnerable to attack.

When making contact with an individual, officers should always:

- use a field interview position including:
 - placement of weak foot forward,
 - keeping firearm side away from the individual, and
 - standing at a distance which is reasonably safe for the officer.
- keep their gun hand free.
- be mindful of their surroundings and not become distracted by the business of the stop (e.g, conducting a field interview, checking identification, writing a citation, etc.).
- be aware of the individual's:
 - hands,
 - size, and
 - demeanor.

NOTE: If two officers make contact with a single individual, officers should employ proper contact and cover officer tactics.

Continued on next page

Pedestrian Contacts, Continued

Multiple suspects

Along with the safety guidelines noted in the previous block, there are additional officer safety guidelines that officers should be aware of when a detention involves multiple pedestrian suspects.

	General Guidelines
Single Officer	<ul style="list-style-type: none"> • Consider requesting and waiting for backup prior to making the actual contact. • Avoid being surrounded by individuals by not allowing them to get too close.
Multiple Officers	<ul style="list-style-type: none"> • Use proper contact and cover officer tactics. • Use a triangular or “L” shaped position configuration when conducting the field interview to prevent being in a cross-fire situation.

Considerations prior to contact

Officers should consider a number of factors prior to initiating a lawful detention of a pedestrian.

Factor	Considerations
The person's appearance	<ul style="list-style-type: none"> • Does the person appear to: <ul style="list-style-type: none"> - fit the description of a suspect wanted for a known offense? - be suffering from a recent injury? - be under the influence of alcohol, drugs, or other intoxicants?

Continued on next page

Pedestrian Contacts, Continued

**Considerations
prior to
contact
(continued)**

Factor	Considerations
The person's actions	<ul style="list-style-type: none"> • Is the person: <ul style="list-style-type: none"> - running away from an actual or possible crime scene? - behaving in a manner indicating aggressive behavior (e.g., posturing, "staring down," etc.)? - behaving in a manner indicating criminal conduct? If so, in what way?
Prior knowledge of the person	<ul style="list-style-type: none"> • Does the person have a known arrest or conviction record? • Is the person known to have committed a serious offense? • Is the crime that has just occurred, or that the officer believes is about to occur, one that is similar to a past offense involving the person in question?
Area of the proposed contact	<ul style="list-style-type: none"> • Is the person near the area of a known crime scene shortly after it occurred? • Is the area at high risk for criminal activity? • If the area is known to have a high crime rate, is it the kind of activity the person is thought to have committed, be committing, or about to commit?
Time of day	<ul style="list-style-type: none"> • Is it a very late hour? • Is it an unusual time for people to be in the area? • Is it the time of day during which known criminal activity has previously taken place?
Number of suspects	<ul style="list-style-type: none"> • Are there a greater number of suspects than patrol officers? • Is there a need for backup units?

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Pedestrian Contacts, Continued

Approaching on foot vs. from patrol vehicle

Proper safety tactics demand that officers exit their patrol vehicles to conduct pedestrian contacts. Approaching and conducting the contact on foot allows officers:

- to devote complete concentration to observing the pedestrian (rather than dividing attention between driving and observation).
- better access to weapons and a clear line of fire if necessary.
- better visibility of the pedestrian.
- better mobility (rather than being trapped in a vehicle).
- the ability to detain and search an individual, if necessary.
- greater advantage if a foot pursuit should occur.

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Pedestrian Contacts, Continued

Tactical approach and contact

The following table identifies general guidelines for a safe tactical approach and contact with a pedestrian subject while on patrol.

Action	General Guidelines
Select location	<ul style="list-style-type: none"> - with the least number of escape routes or where escape routes for the subject can be controlled. - with the least number of bystanders who could be injured or used as hostages. - that is well lit. • Avoid: <ul style="list-style-type: none"> - reflective surfaces that may mirror the officer's approach. - intersections. - locations that could place officers at additional risk (e.g., bars, known trouble spots, etc.).
Notify dispatch	<ul style="list-style-type: none"> • prior to the approach regarding: <ul style="list-style-type: none"> - location, - number of subjects, - reason for contact, and - the need for backup, if necessary.
Position patrol vehicle	<ul style="list-style-type: none"> • Stop the patrol vehicle at a safe and effective distance. • Park the patrol vehicle in a position that will: <ul style="list-style-type: none"> - maximize officer safety, and - keep the subject in the officers' view at all times.
Approach the suspect	<ul style="list-style-type: none"> • If necessary, use the patrol vehicle or other available cover while directing the subject to stop. • Approach the subject from the rear, if possible. • Keep the subject in view at all times. • Watch for suspicious movements that may indicate escape attempts.

Continued on next page

Pedestrian Contacts, Continued

Tactical approach and contact
(continued)

Action	General Guidelines
Establish contact	<ul style="list-style-type: none"> • Properly identify oneself as a law enforcement officer. • Establish cooperation by communicating in a manner that reflects both authority and courtesy. (Avoid using a “Hey you, come here” approach.) • Conduct a patdown search if appropriate. • Use clear and direct verbal commands. • Assume a position of advantage while talking to the subject. • Keep the subject’s hands in sight at all times. • Maintain proper contact and cover officer positions. • Watch for suspicious movements to avoid unexpected attacks. • Observe the subject for unusual behavior which could suggest the subject is attempting to conceal contraband or evidence. • Obtain identification. • Contact dispatch using the information from the identification to: <ul style="list-style-type: none"> - verify the information, and - determine if there are any wants/warrants for the subject. • Conduct a field interview to obtain information. • Explain reason for contact. • Decide on appropriate action for the circumstances (warn, cite, arrest, or release).

Continued on next page

Pedestrian Contacts, Continued

Examples

Example: An officer observed a man standing near the grounds of a grade school. The man in question resembled the description of a suspected child molester who had been approaching children as they left school. The officer explained the reason for the contact and asked for identification. The man complied, explaining that he was a parent waiting for his child. The officer verified the identification with dispatch and learned there were no wants/warrants for the person. As the officer ended the interview, the man thanked the officer for keeping the school under observation.

Example: Two officers, working an area of high frequency narcotics sales, observed a young male stopping vehicle traffic and having brief conversations with the occupants. The subject was alert to police presence and when patrol units approached, he stepped back into an alleyway out of sight. The officers set up a plan to have additional officers cover the alleyway, as the officers pulled up to the subject and made contact. The subject was detained and narcotics recovered. By developing a plan of action, the officers were able to make a successful arrest.

Non-example: An officer on patrol observed a female loitering on a street in an area known for gang activity. The officer stopped, exited the patrol car, and approached the woman. The officer explained the reason for the contact and requested identification. The woman stated that she had no identification. The officer did not believe her and asked the woman again if the purse she was carrying contained identification. She said it did not. Still not believing her, the officer grabbed the woman's purse, opened it, and located identification. Because this interview was a consensual encounter, the officer did not have the authority to search the woman's purse.

Plainclothes/Undercover Officer Contact

[21.02.EO12]

Introduction

While on patrol (or when off duty) officers may encounter officers who are working as plainclothes/undercover officers. If such an encounter takes place, officers should take all necessary measures *not to draw attention to the plainclothes/undercover officer*.

- Do not show any recognition towards the plainclothes/undercover officer, unless that officer initiates the contact. To do so might inadvertently compromise an undercover operation or investigation.
 - If the plainclothes/undercover officer does not acknowledge the officer, the officer should treat the plainclothes/undercover officer as any other private person with whom the officer is not acquainted.
 - If an officer initiates an enforcement contact and then realizes a plainclothes/undercover officer is part of the group being contacted, the officer should treat the plainclothes/undercover officer the same as all other individuals in the group (e.g., maintain cover and control positions, conduct a patdown search, etc.).
-

Example

Example: While off duty, you enter a restaurant and observe one of your academy classmates seated at a booth with two other males. They appear to be having a serious conversation. Your classmate is unshaven and somewhat disheveled, makes eye contact with you but does not give any indication of acknowledging you. In this example your classmate could be engaged in undercover activity, or merely visiting with friends. Because you don't know which, your best course of action is not to acknowledge your classmate in any way and to continue on about your business.

Foot Pursuits

[21.02.EO13]

Introduction

Foot pursuits are one of the most dangerous and unpredictable situations for officers. All foot pursuits must be considered high risk.

Inherent dangers

Foot pursuits can be difficult to control or coordinate. There are a number of inherent dangers regarding foot pursuits.

During a foot pursuit:

- the fleeing subject may be armed.
 - the fleeing suspect controls the route, not the pursuing officer(s).
 - officers may lose track of their own locations as well as that of the subject.
 - an officer may be separated from his or her partners.
 - radio transmissions often become very difficult to understand.
 - officers can drop and/or lose equipment (e.g., radios, batons, keys, etc.).
 - officers may be led into high risk areas and become vulnerable to an ambush situation involving additional suspects.
-

Continued on next page

Foot Pursuits, Continued

Safety considerations

Officers must consider not only their own safety but the safety of fellow officers and the public before initiating a foot pursuit. The following table identifies factors and safety considerations regarding foot pursuits.

Factor	Considerations
Public safety	<ul style="list-style-type: none">• If a foot pursuit represents an unusual risk to the officer or the public, it may be more desirable to establish a perimeter and initiate a systematic search of the area.
Physical condition of pursuing officers	<ul style="list-style-type: none">• During a foot pursuit, the blood supply to an officer's brain slows in order to supply blood to the officer's muscles enabling the body to "speed up."• When sprinting after a subject, officers may inadvertently hold their breath during the initial 30+ yards of the pursuit. This can further deplete the brain of oxygen.• If two officers are in very different degrees of physical condition, there is a greater possibility of the officers becoming separated during the pursuit. (e.g., One officer becomes winded and has to drop back or quit while the other continues alone.)• Officers who are winded or fatigued may have greater difficulty maintaining control of their firearms during a physical confrontation with a suspect.

Continued on next page

Foot Pursuits, Continued

Safety considerations
(continued)

Factor	Considerations
Available equipment	<ul style="list-style-type: none"> • Officers wear and/or carry <i>in excess of 25 pounds</i> of leather and equipment. Fleeing subjects may have no additional weight to carry. • Officers may be wearing heavy footwear unsuitable for running while fleeing suspects may be wearing running shoes.
Retention of weapons and equipment	<ul style="list-style-type: none"> • Holsters can break or snaps come loose during a rigorous pursuit making it more difficult for officers to maintain control of their primary and backup firearms and weapons. • Pieces of equipment can easily flap or shake loose or get caught on objects during a foot pursuit leaving the officer without necessary items such as radios, handcuffs, keys to the patrol vehicle, etc. • Officers lose the capability of retrieving equipment that may be left behind in the patrol vehicle.
Ability to follow through at end of pursuit	<ul style="list-style-type: none"> • Officers must be physically capable of functioning effectively even at the end of a lengthy foot pursuit. • If a physical confrontation between the subject and officer takes place at the end of the pursuit, the pursuing officer must still be capable of gaining and maintaining control of the subject.

Continued on next page

Foot Pursuits, Continued

Justification

Officers should have justification for initiating a foot pursuit of a fleeing suspect (e.g., the officer observing suspected or actual criminal activity).

Individuals may attempt to flee from an officer for reasons which are unknown to the officer. For example, they:

- are on probation or parole and do not wish to come into contact with officers,
- have committed other unrelated offenses,
- have known wants or warrants out for them,
- fear retaliation if seen talking to officers, or
- already have “two strikes” against them and do not want to be arrested for the third.

The implication that “only a guilty person would run from an officer” may not always be true. In some cultures, law enforcement officers are feared and an individual may simply be afraid.

Indications of a plan to flee

Officers should be aware of a number of possible indicators that a subject, (who they are approaching or have approached), is about to flee. These may include, but are not limited to, subjects:

- looking around or “scanning” for an avenue of escape,
 - standing on the balls of their feet,
 - rocking back and forth or “bouncing” in position,
 - jumping off of or out of a vehicle,
 - backing away from an approaching officer (or patrol unit), or
 - attempting to distract an officer’s attention.
-

Continued on next page

Foot Pursuits, Continued

Guidelines for foot pursuits

The following table presents basic guidelines for conducting a safe and effective tactical foot pursuit of a fleeing subject.

	General Guidelines
Plan of Action	<ul style="list-style-type: none"> • Officers should discuss safety factors as well as possible plans for taking action in situations involving fleeing subjects. • Plans may include, but are not limited to: <ul style="list-style-type: none"> - actions they would take if a fellow officer is wounded and a subject flees on foot. - coordination of who will transmit radio traffic. - appropriate use of or escalation of force.
Working with a Partner	<ul style="list-style-type: none"> • If partner officers stay together during a foot pursuit, there is a greater likelihood that a safe and successful outcome will occur. • If partners become separated, officers should reevaluate the level of risk before continuing the pursuit.
Vehicle Pullovers	<ul style="list-style-type: none"> • If a foot pursuit begins with the subject fleeing from a vehicle the officer has just stopped, officers should generally remain with the vehicle rather than pursue the subject on foot. • The remaining vehicle may contain: <ul style="list-style-type: none"> - additional suspects, - items that would identify the fleeing suspect, and/or - other evidence of criminal activity.

Continued on next page

Foot Pursuits, Continued

**Guidelines
for foot
pursuits
(continued)**

	General Guidelines
Pursuits Around Blind Corners	<ul style="list-style-type: none"> • Officers should pursue subjects around blind corners as widely as possible in order to better see what they may be approaching. (This tactic may also be referred to as “cutting the pie,” “slicing the pie,” or “fanning.”) • If conditions prevent such action, officers may choose to, when possible: <ul style="list-style-type: none"> - use a hand-held mirror to see around the corner first, - peer around the corner at a level lower than where a subject would expect to encounter the officer, or - call off the pursuit.
High Obstacles (e.g., fences, walls, etc.)	<ul style="list-style-type: none"> • High obstacles may prevent officers from seeing: <ul style="list-style-type: none"> - a subject who is lying in wait, - a vicious dog or other animal, - dangerous drops or hazardous terrain, or - other hazardous obstacles on the other side. • Before pursuing a suspect over a high fence or wall, officers should: <ul style="list-style-type: none"> - stop, - listen, and - attempt to peer through, over, or around the obstacle near the point where the subject went over.

Continued on next page

Foot Pursuits, Continued

**Guidelines
for foot
pursuits
(continued)**

	General Guidelines
Drawn Firearms	<ul style="list-style-type: none"> • Whether or not officers should pursue a subject with their firearms drawn is generally based on specific agency policy and may depend on the: <ul style="list-style-type: none"> - seriousness of the offense, - officer's perception of risk, - potential for an accidental discharge, and/or - risk of creating a weapon retention problem.
Poor Visibility	<ul style="list-style-type: none"> • Officer safety hazards are greatly increased when a pursuit is initiated in bad weather, low light, or nighttime conditions. • Officers may be inhibited from: <ul style="list-style-type: none"> - keeping sight of the suspect, - staying with a partner, or - identifying hazardous obstacles (e.g., ditches, rocks, barbed wire, etc.).
Pursuits into Buildings or Structures	<ul style="list-style-type: none"> • Officers should avoid continuing the pursuit if the subject flees into a building or other structure. • Following the subject could lead to: <ul style="list-style-type: none"> - an ambush situation with "suspect-friendly" supporters, - a possible hostage situation, or - the likelihood that the subject may have access to weapons within the building/structure. • Under such conditions, officers should: <ul style="list-style-type: none"> - establish a perimeter around the building/structure, - call for additional support or backup, and - if conditions allow, coordinate with other officers to conduct a systematic tactical search of the building/structure.

Continued on next page

Foot Pursuits, Continued

**Guidelines
for foot
pursuits
(continued)**

	General Guidelines
Losing Sight of the Suspect	<ul style="list-style-type: none">• If officers should lose sight of the fleeing subject at any time during the pursuit, they should:<ul style="list-style-type: none">- stop, look, and listen for possible locations where the subject could be hiding or the direction the subject may be moving,- consider establishing a perimeter in the area,- call for additional support or backup, and- if conditions allow, coordinate with other officers to conduct a systematic tactical search of the area.

Continued on next page

Foot Pursuits, Continued

Examples

Example: An officer initiated a traffic stop. The driver of the target vehicle stopped the vehicle and immediately exited the car and began running down the street. Rather than pursue the subject on foot, the officer remained with the subject's vehicle and contacted dispatch to advise other units of the situation. The officer gave the location, direction in which the subject was running, subject description, and requested assistance. Other units in the area responded and set up a perimeter. The subject was located and arrested. By keeping dispatch advised and requesting backup, the officer apprehended the suspect.

Example: An officer responded to a domestic violence call. The suspect in question was on parole for assault. As the officer drove up to the subject's residence, he observed the subject standing outside the house. Before exiting the car, the officer advised dispatch of the situation, gave the subject's history, and requested additional units to respond to the location. The officer exited the patrol car and approached the subject who began to run toward an alley. The officer pursued on foot, advising dispatch of the direction of travel. As the officer continued the pursuit, he directed the responding backup units to set up a perimeter. The fleeing subject ran toward a waiting officer on the perimeter and was apprehended. The officer coordinated efforts with other units to safely locate a potentially violent subject.

Continued on next page

Foot Pursuits, Continued

Examples (continued)

Non-example: Using the same scenario as in the previous example, the officer did not notify dispatch of the subject's history or request backup in advance. Instead, when the subject fled, the officer pursued and during the pursuit communicated the situation to dispatch and requested backup. Before the units could arrive, the subject turned and confronted the officer in the alley. The two struggled and the officer was injured. By not requesting backup for assistance with a subject with a history of violence, the officer placed himself in unnecessary danger.

Chapter Synopsis

Learning need To maintain flexibility and effectiveness, peace officers need to know the basic tactics and procedures of patrol.

Preparing for a patrol assignment
[21.02.EO3] Preparation prior to beginning a patrol assignment generally includes:

- preparing mentally to do the job,
- checking all personal equipment,
- acquiring any necessary resource information and materials/supplies,
- inspecting each piece of equipment issued at the beginning of the shift.

Appropriate speed
[21.02.EO6] Officers should patrol at a speed that is reasonable for the tasks they are performing (e.g., patrolling in heavy traffic, patrolling in a residential or business area, etc.).

Driving at a slower speed while on patrol:

- provides a maximum opportunity to observe while maintaining effective control of the vehicle,
 - contributes to public awareness and visibility,
 - maximizes contact with members of the community and provides a positive law enforcement image,
 - decreases engine noise enabling an officer to get closer to any criminal activity without being detected.
-

Vehicle placement
[21.02.EO7] Officers should always make a reasonable effort to park their patrol vehicles in a lawful manner.

Silhouetting and telltale noise
[21.02.EO8] If an officer assumes a position between a suspect and a source of backlight, the officer's silhouette could clearly identify the officer's position to a suspect.
Making any telltale noise can jeopardize officer safety while on patrol.

Continued on next page

Chapter Synopsis, Continued

Radio transmissions
[21.02.EO9]

Monitor the frequency, initiate the call, speak clearly, limit the length of the transmission.

Crime broadcast
[21.02.EO10]

The effectiveness of crime broadcasts can be greatly affected by the officer's ability to clearly transmit timely and relevant information.

Approaching/detaining a pedestrian subject
[21.02.EO11]

Officers must approach *every* contact, whether a consensual encounter or a lawful detention, with officer safety in mind.

Plainclothes/undercover officers
[21.02.EO12]

While on patrol (or when off duty) officers may encounter other peace officers who are functioning as plainclothes/undercover officers. If such an encounter takes place, patrol officers should take all necessary measures not to draw attention to the plainclothes/undercover officer.

Foot pursuits of fleeing suspects
[21.02.EO13]

Foot pursuits are one of the most dangerous and unpredictable situations for officers. All foot pursuits must be considered high risk.

Workbook Learning Activities, Continued

Activity questions (continued)

3. Officers on vehicle patrol receive a report of a five-year-old girl abducted from her day care center by her noncustodial father. As their unit passes by a large park/recreation area at dusk, one officer spots a man fitting the suspect's description carrying a young girl down a park path toward a wooded picnic area. How should officers proceed? Should they pursue on foot? What factors should influence this decision? How could the patrol vehicle be used to best tactical advantage?

4. Officers receive an emergency call to the scene of a domestic violence incident in which the victim received several blows to the head and is now unconscious. The incident was reported to 911 by the victim's mother who saw the victim's ex-husband assault her daughter. The mother gives officers a complete description of the suspect and his clothing. She also informs officers that the fight was over the victim's late model pick-up, in which the suspect drove off after the assault. The mother adds that her daughter kept a handgun in the truck's glove compartment for protection. Write a script of the crime broadcast the contact officer should transmit regarding this crime. Fill in specific descriptive details where needed.

Continued on next page

Glossary

Introduction **The following glossary terms apply only to Learning Domain 21: Patrol Techniques.**

call sign Law enforcement radio caller/receiver identification information

concealment Anything that prevents an opponent from *observing* the officer

consensual encounter Contact between a private person and a peace officer where the person is not obligated to stay, cooperate or answer questions

contact officer The officer initiating an action who becomes responsible for conducting the contact

cover Anything that may *stop* or *deflect* an opponent's weapons

cover officer The officer responsible for surveillance and control of a suspect in order to free the contact officer to perform a thorough investigation

crime broadcast Critical information regarding criminal activity transmitted by law enforcement radio communication

detention An assertion of authority that would cause reasonable persons to believe they are obligated to stay, cooperate, or answer questions

Continued on next page

Glossary, Continued

**emergency
radio traffic**

Law enforcement radio communications with the highest priority (e.g., in-progress felonies, officer calls for help, crime broadcasts, etc.)

**non-emergency
radio traffic**

Lower priority law enforcement radio communications (e.g., status changes, calls for service, etc.)

observation

The ability to gather information by noting facts or occurrences with a heightened sense of awareness

**officer
safety**

The practical application of tactically sound procedures to perform law enforcement activities in a safe and effective manner

perception

The personal analysis derived from an observation; involves interpreting observations, organizing them, and attaching meaning or significance to them

**reasonable
suspicion**

When a peace officer has facts and circumstances to make it reasonable for the officer to suspect that criminal activity may be afoot, and that the person detained is connected to that activity

**trained
observers**

Officers who practice disciplined *observation*, and apply training and experience to accurately *perceive* what is occurring or is about to occur



■ FTP

Subject Index

Learning Domain Descriptions and Hours

FOR THE REGULAR BASIC COURSE (ACADEMY)

POST FIELD TRAINING PROGRAM GUIDE
Program Sample – Index / Learning Domain



POST FIELD TRAINING PROGRAM
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* Denotes training that is specific to the employing agency only and addressed in very general terms in the Regular Basic Course (not found in specific Learning Domains).



LEARNING DOMAIN

DESCRIPTIONS AND HOURS FOR THE REGULAR BASIC COURSE (ACADEMY)

Domain	Domain Description	Min Hours
01	Leadership, Professionalism & Ethics	8 hours
02	Criminal Justice System	4 hours
03	Policing the Community	12 hours
04	Victimology/Crisis Intervention	6 hours
05	Introduction to Criminal Law	6 hours
06	Property Crimes	10 hours
07	Crimes Against Persons	10 hours
08	General Criminal Statutes	4 hours
09	Crimes Against Children	6 hours
10	Sex Crimes	6 hours
11	Juvenile Law and Procedure	6 hours
12	Controlled Substances	12 hours
13	ABC Law	4 hours
15	Laws of Arrest	12 hours
16	Search and Seizure	12 hours
17	Presentation of Evidence	8 hours
18	Investigative Report Writing	40 hours
19	Vehicle Operations	24 hours
20	Use of Force	12 hours
21	Patrol Techniques	12 hours
22	Vehicle Pullovers	14 hours
23	Crimes in Progress	16 hours
24	Handling Disputes/Crowd Control	12 hours
25	Domestic Violence	8 hours
26	Unusual Occurrences	4 hours
27	Missing Persons	4 hours
28	Traffic Enforcement	22 hours
29	Traffic Accident Investigation	12 hours
30	Preliminary Investigation	42 hours
31	Custody	4 hours
32	Lifetime Fitness	40 hours
33	Arrest and Control/Baton	60 hours
34	First Aid and CPR	21 hours
35	Firearms/Chemical Agents	72 hours
36	Information Systems	4 hours
37	People with Disabilities	6 hours
38	Gang Awareness	8 hours
39	Crimes Against the Justice System	4 hours
40	Weapons Violations	4 hours
41	Hazardous Materials Awareness	4 hours
42	Cultural Diversity/Discrimination	24 hours
	Minimum Instructional Hours	599 hours

LEARNING DOMAIN

The minimum number of hours allocated to testing in the Regular Basic Course are shown below¹

Test Type	Hours
Scenario Tests	40 hours
POST-Constructed Knowledge Tests	25 hours
Total Minimum Required Hours	664 hours

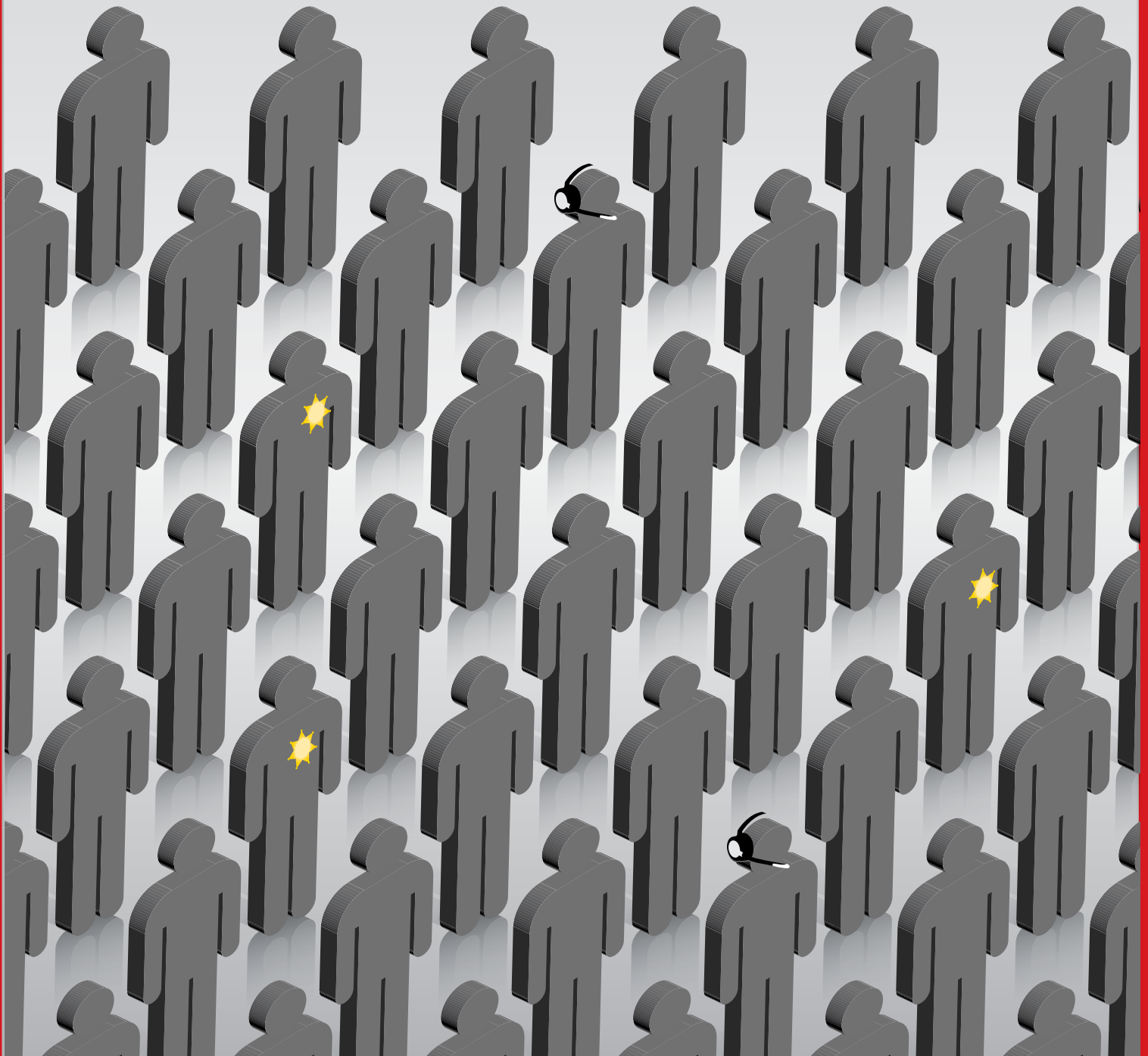
¹ Time required for exercise testing, instructional activities, and physical abilities testing is included in instructional time



CRIMINAL

POST Recruitment Strategic Planning Guide

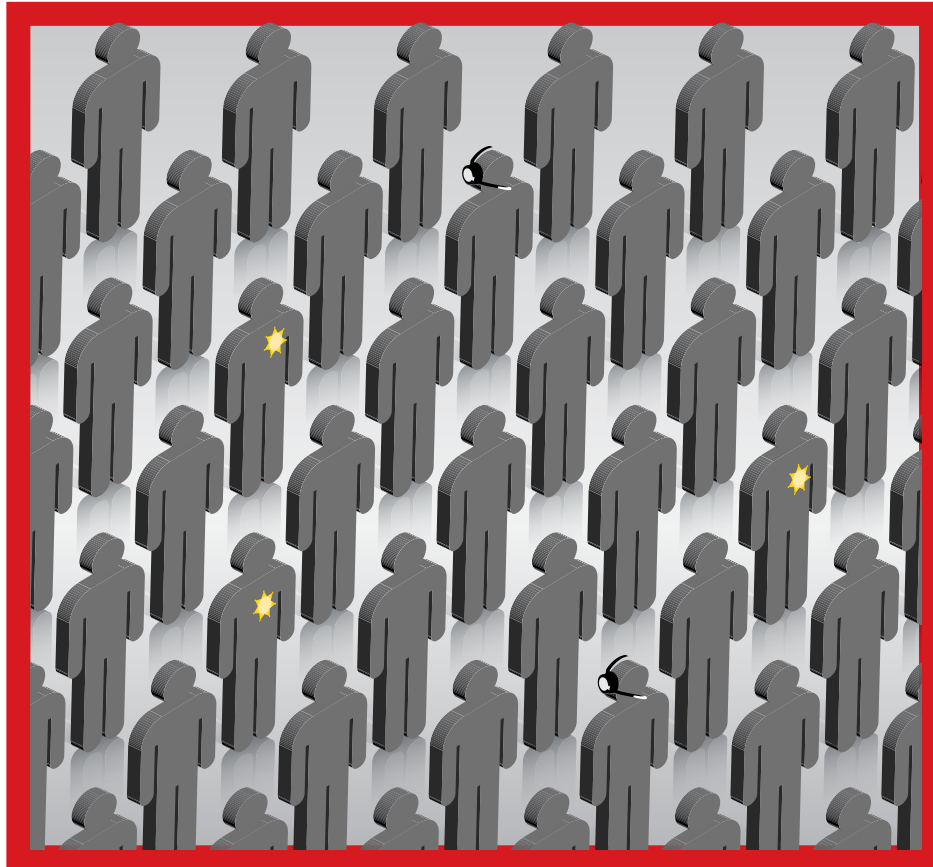
Finding and Keeping the Right People





POST Recruitment Strategic Planning Guide

Finding and Keeping the Right People



POST Recruitment Strategic Planning Guide

2009 California Commission on Peace Officer
Standards and Training

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POST mission statement



The mission of the California Commission on Peace Officer Standards and Training (POST) is to continually enhance the professionalism of California law enforcement in serving its communities.



commissioners

The POST Commission forms a balanced group of city and county administrators, law enforcement professionals, educators, and public members. The Governor appoints 15 of the commissioners, with the advice and consent of the Senate, for three-year overlapping terms. The Attorney General is an ex-officio member and serves as the 16th POST Commissioner.

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Paul Cappitelli
POST Executive Director



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Police Department



This Recruitment Strategic Planning Guide is designed to help law enforcement professionals develop plans to meet their hiring goals. The guide will identify many of the factors one would want to consider. Examples include:

- Actions to consider to get the planning process off to a good start
- Identifying the ideal candidate
- Internal and external factors that could impact the recruitment planning process
- Identifying stakeholders who can help or hinder the plan
- Strategies that will be employed to recruit qualified candidates

The Recruitment Strategic Planning Guide is cross-referenced with the [Recruitment & Retention Best Practices Update](#) published in 2006 (available on the POST website). This feature will enable an individual to quickly find additional information to consider in the planning process.

Included in this guide is a Recruitment Strategic Planning Checklist ([Appendix 1](#)). The checklist summarizes key aspects in the recruitment strategic planning process. The Staffing Worksheets ([Appendix 2](#)) and the Anytown Police Department Recruitment Strategic Plan ([Attachment](#)) are illustrative of what a strategic plan would look like.

This document, coupled with the Recruitment & Retention Best Practices Update, provides a solid foundation for any law enforcement agency to develop a recruitment strategic plan.



Paul A. Cappitelli
Executive Director



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recruitment strategic planning guide¹

introduction

Keeping the ranks full of qualified peace officers and dispatchers has been a challenge for many of California's police and sheriff's departments. A December 2008 survey of police and sheriff's departments found that 71.3 percent agreed or strongly agreed that recruiting qualified officers was a current priority, and 86.3 percent agreed or strongly agreed it would be a priority over the next five years. In terms of dispatchers, 55.3 percent agreed or strongly agreed that hiring dispatchers is a current priority, and 67.1 percent agreed or strongly agreed that it would be a priority over the next five years. A total of 178 police/sheriff's department representatives responded to this survey, including two communication centers.

As part of the Commission's efforts to assist local agencies with recruitment and retention over the past decade, the Commission funded the Peace Officer [Recruitment and Retention Best Practices Booklet](#) in 2001, a Recruitment Symposium in 2001, the Recruitment and Retention Symposium in 2005, the [Recruitment and Retention Best Practices Update](#) (BPU) in 2006, and two Recruiter Workshops in 2006.

The goal of this project is to provide local law enforcement with another tool to help recruit and hire qualified peace officers and dispatchers.

This recruitment strategic planning guide is intended to provide a road map that local agencies can use to develop a recruitment strategic plan. In general, a strategic plan can be defined as follows:

Strategic planning is managing for results. It is defined as a long-term, future-oriented process of assessment, goal setting, and strategy building that maps an explicit path between the present and a vision of the future; it relies on careful consideration of an organization's capabilities and environment, and leads to priority-based resource allocation and other decisions. It is a disciplined effort to produce fundamental decisions and actions that shape and guide what an agency is, what it does, and why it does it. It includes the process of developing a strategic plan.

A strategic plan is an agency's comprehensive plan to address its business needs; i.e., to successfully carry out its programmatic mission².

¹ Cross reference with the Recruitment & Retention Best Practices Update document. A copy of this document can be downloaded from the POST website at: <http://www.post.ca.gov/training/bestpractices/bestpractices-recruitment.asp>

² California State Department of Finance, Strategic Planning Guidelines, http://www.cdpr.ca.gov/docs/dept/planning/strg_pln/spguide.pdf, (Last viewed: 23 December 2008), 3.

Because strategic planning is a team effort that builds consensus on a future direction for an agency, the process itself is as important as the resulting document.

Elements of any strategic plan are goals, objectives, and strategies. Goals are defined as “the desired end result.”³ They are what the strategic plan intends to accomplish over the life of the plan, generally three to five years. For each goal, there are one or more objectives. Objectives are “specific and measurable targets for accomplishment of a goal.”⁴ Each objective is comprised of one or more strategies. Strategies can be thought of as the action plans to accomplish an objective.

The purpose of this document is to help state and local agencies apply strategic planning principles to developing a recruitment strategic plan. This is something that few police departments do. The December 2008 survey found that only 12.5 percent of responding agencies have a written recruitment strategic plan. On the other hand, 56.2 percent agreed or strongly agreed that a recruitment strategic planning guide would be useful.

While many planning considerations are addressed in this document, it is intended to be a companion document to the Recruitment & Retention Best Practices Update. As such, this document is cross-referenced to help local agency representatives find more information on various topics that should be considered in the recruitment strategic planning process. Additionally, the [Recruitment Strategic Planning Guide Checklist](#), the [Anytown Police Department Recruitment Strategic Plan](#), and [Staffing Worksheets](#) have been provided to augment this document.

Since California police and sheriff’s departments vary widely in size and complexity, some aspects may be more critical for agencies than others. Further, many local agencies already have strategic planning cycles that range from one to five years. Longer planning cycles require more careful consideration of trends and projections. Hence, more complex agencies with longer planning cycles would do well to incorporate more of the planning components. The main point is to incorporate the components that will add the most value to the recruitment planning process.

³ Ibid, 13.

⁴ Ibid, 14.

getting started

Successful planning starts with laying a solid foundation. These four steps will help get the planning process off to a good start.

planning considerations

First, identify an executive sponsor. This is an individual at the executive level who will champion the process, assist with resources, and remove barriers that arise during the process.

Second, select a project coordinator who, ideally, understands the recruitment and planning processes. This individual will find this planning guide, the Recruitment Strategic Planning Guide Checklist, and the Anytown Recruitment Strategic Plan helpful. Additionally, assembling a planning team can be helpful to assist with the work and involve diverse perspectives by engaging personnel from various assignments within the department.

Third, develop a partnership with Human Resources (HR). HR is typically involved in the planning process and, as such, is an important stakeholder. Involving HR early on can often enhance the planning process, as well as help avoid potential issues later on. In some cases, HR may be able to assist in identifying ways to improve the recruitment and selection process and/or help with fact-finding.

Fourth and finally, determine the time frame for the plan. While most strategic planning processes are three to five years, a recruitment strategic plan could be shorter due to imminent hiring needs.

With this foundation in place, the following planning considerations will help focus the direction of the plan.

There are several planning considerations. Most agencies will likely find these to be the most critical:

- Identifying the ideal candidate
- Reviewing internal factors
- Reviewing external factors
- Reviewing and identifying important stakeholders

Each of these is briefly addressed. An assessment of these considerations will help an agency identify current and future needs, trends, and internal and external factors important in the planning process, as well as stakeholders who can help or hinder the recruiting process.

A. Ideal Candidate

Who is the ideal candidate? For some agencies, it may simply be a qualified candidate. However, consider delving deeper. Who has been most successful in your agency in the past several years? Identify the top performers and develop a profile. Such a profile may include a review of their background investigation report to determine education and age at the time of hire, prior military experience, or length of tenure with previous employers. (Refer to agency policy prior to conducting such a review.)

One agency that did this found that the most successful candidates had an average of two years of college, were 27 years old, and had several years of stable employment prior to being hired.

Additionally, survey these top performers. Ask questions like: how did they learn about employment opportunities with the agency, what do they like most about the agency, how do they spend their free time, can they recommend family and/or friends who are similar to them, and related questions. The same agency that reviewed the backgrounds of top performers found that the overwhelming majority of top performers were recruited by current employees, they were actively involved in intramural sports, and they frequently attended professional sporting events.

This process can help identify who has been most successful in the organization, as well as identify recruitment strategies and potential recruitment venues. This process may take time, depending on the size of the pool, but may yield rich information.

Additional helpful information can be gained by surveying current employees to identify what they like best about the agency and what keeps them there. The survey process could be used to identify potential recruitment strategies and venues for good candidates. If an agency found that employees were very unhappy, then relying heavily on employees to help recruit candidates may be ill-advised. On the other hand, things that employees find attractive can provide information useful in developing a recruitment message.

B. Internal Factors

It is important to review a variety of internal factors. Consider the following:

- 1.** What is the current authorized number of positions? How has that number changed over the past several years? Is it anticipated that this number will increase or decrease over the planning period? For example, have new positions been approved? Does the jurisdiction anticipate losing positions due to a bad economy or higher than normal attrition?
- 2.** What is the current number of peace officer and/or dispatcher vacancies?
- 3.** Has the department conducted a workload study to determine the appropriate staffing now and in the future, taking into consideration department and community goals and priorities? If so, can some of the work load be handled through alternative options, such as civilianization or technology?

4. What has been the attrition rate of peace officers and/or dispatchers for each of the past three to five years? Break down the attrition rate to identify those who left due to service retirements, medical retirements, voluntary turnover, or other separations.
5. How many retirements may occur in the next three to five years? While Internal Factor #4 will provide a historical perspective, consider surveying existing employees to determine the number who are eligible to retire in the next three to five years.
6. To what degree do employee demographics reflect that of the community? What segments of the community are underrepresented?
7. Has a collaborative partnership with HR been developed (whether internal or external to the department)? Has the respective role of each partner been defined?

C. External Factors

There are a variety of external factors to be considered in the planning process. In the short-term, they include:

1. What is the projected growth of the resident population in the next three to five years? Do city planners anticipate 1,000, 5,000, or more people moving into the jurisdiction over the next three years? It may be helpful to look backwards at how many people have moved into the city in the past three to five years.
2. What is happening in the jurisdiction that can impact service demands? For example, is the city due to annex an area that will necessitate adding positions? Will the agency be entering into a contract to provide services to another jurisdiction?
3. What kind of development or redevelopment has been approved or is currently in the planning process? What are the potential impacts for the law enforcement agency? For projects that have been approved, were there recommendations in the staffing report(s) to augment police services and, if so, did the staffing augmentation occur?
4. What is happening in the business community and/or other sectors locally? Are businesses laying-off employees, which represent a hiring opportunity, or are they in an aggressive hiring mode to support expansion, making them a competitor? Can the agency benefit from layoffs that are occurring in a particular sector? Is a nearby military base being closed or expanded?

5. How will the demographics of the jurisdiction change? For example, are older, retired people moving into the jurisdiction, versus families with children? Is the ethnic and/or cultural composition of the jurisdiction changing? For example, in 2006, the California Department of Finance estimated that 34.9 percent of the population was Hispanic⁵, which reflects an increase of 3.4 percent since 2001.⁶ It is projected that between 2000 and 2050, the number of Hispanics in the U.S. will double.⁷
6. How will the focus of city council or board of supervisors policy decisions impact hiring? For example, if the city council has a strong focus on tourism, how will this impact hiring?
7. What are the regional/local pay/benefit trends among surrounding law enforcement agencies? How does your jurisdiction compare to those trends? How many years out do the agency's current bargaining agreements extend?
8. What other external factors may impact the recruitment process?

In the long-term, changes in the operational environment - the environment in which an agency operates locally and in the broader context - typically occur in one or more of five categories: sociologically, technologically, environmentally, economically, and politically.

- **Sociologically** – What are emerging issues that are sociological in nature? One example would be the introduction of the Millennials into the workforce. Millennials are those people born between 1980 and 1995 or 2002 (depending on the source). This generation is the largest yet, and it brings perspectives that may be very different from other generations in the workforce. Unfortunately, the majority of them are not old enough to reduce staffing shortages arising from the rapid departure of Baby Boomers.
- **Technologically** – What are emerging issues that are technological in nature? One example is the drop in price of various technologies, as well as the rapid improvement of technology that is being used in policing agencies.

⁵ California Department of Finance, California Current Population Survey Report March 2006, September 2007, <http://www.dof.ca.gov/HTML/DEMOGRAP/ReportsPapers/documents/California%20Current%20Population%20Survey%20Extended%20Report,%20March%202006.pdf>, (Last viewed: 23 December 2008), 1.

⁶ California Department of Finance, California Current Population Survey Report March 2001, February 2002, <http://www.dof.ca.gov/HTML/DEMOGRAP/ReportsPapers/documents/CPS-2001.pdf>, (Last viewed: 23 December 2008), 1.

⁷ Marvin J. Cetron and Owen Davies, "[Trends Now Shaping the Future](#)", The Futurist, March-April 2005, 31.

- **Environmentally** – What are emerging issues that are environmental in nature? One example is a greater sensitivity to environmental issues among younger workers.
- **Economically** – What are emerging issues that are economic in nature? One example involves economic downturns. Home values, for example, may drop several years before steep declines occur. Reduced state and local revenue can have a profound impact on hiring.
- **Politically** – What are emerging issues that are political in nature? One example would be a greater acceptance of, and demand for, scrutiny of public agencies. Independent review boards are one form of scrutiny. Another is increasing pressure to move away from enhanced retirements, such as 3% @ 50.

While scanning the horizon for developments in these five areas, it is often possible to identify emerging issues that will impact one's profession and/or jurisdiction. The sooner an issue is identified, the more time there is to adjust recruitment strategies.

D. Stakeholders

Stakeholders are people who can impact the department or who are impacted by what the department does. They are both internal and external to the agency. Examples of internal stakeholders include chief executives, public information officer(s), training staff, HR, union stewards, and operational staff. Examples of external stakeholders include city council/board of supervisors, city/county HR, and community groups. The main consideration is how stakeholder support can be leveraged to strengthen the strategic plan. Conversely, in what ways can these stakeholders adversely impact the development and implementation of the strategic plan?

organizational strengths/ weaknesses for recruitment

Given the assessment of recruitment planning considerations identified in the section above, what are the organization's strengths and weaknesses?

Taking time to assess the organization's strengths and weaknesses will help capitalize on strengths and create an awareness of weaknesses, some of which may be able to be mitigated. The following is a list of potential organizational strengths and weaknesses.

A. Agency Reputation

A survey of peace officer recruits in 15 academies around the state revealed that more than 80 percent of respondents considered the following factors in accepting employment with a police or sheriff's department: agency reputation, variety of assignments, agency location, and willingness to send the recruit to the academy (see [BPU](#), 31). Other factors also received high marks in terms of desirability among these respondents. While the reputation of an agency received the highest response as a reason for

accepting employment, an agency should review each of the attractors and assess the degree to which they represent strengths or weaknesses to potential candidates.

For example, what is your agency's reputation in the community? Will potential candidates be attracted to the agency because it has a positive reputation in their community, or will the agency's reputation serve as a detractor, dissuading qualified candidates from pursuing employment with an agency?

This is particularly important for hiring from diverse segments of the community (see [BPU](#), 55). How will those who have influence over potential candidates view the agency, such as parents and friends?

Part of an agency's reputation, especially for candidates who may not be from the local community, is embodied in the vision, mission, and values of an agency. Do the vision, mission, and values send a strong message of equality, fairness, inclusiveness, and respect both in terms of the service provided to the community and in the treatment of employees? An agency's website is a window into an agency and can communicate a powerful message to potential candidates. If these exist (mission, vision, and values), are they posted on the agency's website? Is there other information on the agency's website that demonstrates that these are real, not just empty words? According to a survey of peace officer recruits, self-referral and agency website were the top two ways recruits were attracted to agencies (see [BPU](#), 32). In fact, a survey of recruiters across the U.S. found that the Internet was the best source of qualified candidates (see [BPU](#), 48). As potential recruits view the various web pages, will he/she conclude that your agency has a positive reputation in the community? What was the experience of the candidates in the selection process, i.e., did the candidates feel like they were treated fairly? Were their requests for information handled in a timely manner?

B. Locale

California offers a wide spectrum of law enforcement settings, ranging from very remote to metropolitan. The recruit survey revealed that an agency's location was an important factor for many recruits in accepting employment with an agency (see [BPU](#), 31). What is it about your locale that is a hiring asset or challenge? For many California agencies, the cost of housing represents a significant challenge in recruitment (see [BPU](#), 42). However, many agencies are located in coastal, rural, and/or mountain areas where there are beautiful surroundings and affordable housing. Within this range, where does the agency fall? To what degree is the housing affordable? What locale and/or community assets attract potential candidates?

Exit interviews, as part of assessing attrition, can provide important feedback as to whether factors in this category are strengths or weaknesses. For example, if officers or dispatchers are leaving for employment with agencies

closer to where they live, this could be an example of a locale weakness due to lack of affordable housing. A survey of the employee database to determine where employees live could also provide an indication as to whether employees are finding affordable housing nearby.

C. Agency Attributes

What is it about the agency that is especially unique or attractive to potential candidates? For example, the recruit survey revealed that variation in assignments, retirement plan, salary and benefits, and work hours (compact work weeks) were important to recruits (see [BPU](#), 31). Are these strengths or weaknesses for the agency?

Does the agency provide educational incentives or professional growth opportunities? Does the agency embrace a coaching philosophy toward employee development? Does the agency have a succession plan to develop employees to assume greater levels of responsibility?

What is the culture of the agency? Is it small and family oriented? Is it large and impersonal? Is the leadership progressive? Do employees have opportunities to provide input? If so, do they get feedback as to what action was taken? Is there a sense of camaraderie?

An employee survey can reveal which agency attributes are strengths or weaknesses. Strengths can be used to help recruit new employees. What steps can be taken to mitigate or remove weaknesses? Improvement plans are a positive way to demonstrate the agency is working to overcome challenges.

D. Stakeholder Relationships

What is the agency's relationship with stakeholders? These may be internal as with bargaining units and/or external as with city council, city or county HR, community groups, local colleges, and regional academies. Strong relationships can be used as a foundation to build a stronger recruitment strategic plan. Poor relationships with key stakeholders can undermine the effectiveness of a recruitment strategic plan in a variety of ways. Chapter 8 of the Best Practices Update provides many practical steps for developing external partnerships (see [BPU](#), 125).

If poor relationships exist, what steps can be taken to improve or mitigate the relationship? Are there alternative approaches that can be used to work around a particular relationship?

**selection/training
of staff**

Who will be assigned to implement the recruitment strategic plan?

Selecting and training the right staff as recruiters is crucial. There are a variety of skills and/or characteristics that are important for recruiters (see [BPU](#), 139). Will the recruitment staff be full-time or part-time? Regardless of who is selected, they will need to have clear recruitment goals and objectives. Involving them in the development of the recruitment strategic plan is strongly recommended.

Training recruitment staff is important. The capabilities necessary to be an effective recruiter involve skill sets they may not have acquired in other assignments. Additionally, they will need a working knowledge of the hiring process, such as written and oral testing, background investigation, medical and psychological screening, related labor laws, and time frames, as well as information about pay and benefits. Building a strong relationship with HR is recommended.

Training can be provided in various ways. On the job training with more experienced recruiters, reviewing the Best Practices Updates, and attending recruitment courses and conferences are all helpful.

end to end review

Repeatedly, police and sheriff's department staff and executives complain about the amount of time it takes to complete the hiring process. The best way to deal with this issue is to clearly understand the process.

What does POST require? What does labor law require? What does HR require? Knowing the answers to these three questions is important.

A good place to start is by developing a flow chart that reflects every step in the current recruitment, selection, and hiring process. Include time frames for each step in the process. When the flow chart is complete, review each step with these questions in mind: Is this step required? Can it be combined with another step? Can it be done faster? Is it redundant? Chapter 7 of the Best Practices Update provides tips for improving the selection process (see [BPU](#), 117). Additionally, take time to review the POST Administrative Manual, [Section 9050-9055](#) - Minimum Standards for Police Officer Employment, Peace Officer Selection Standards, Public Safety Dispatcher Selection Standards, and the [POST Background Investigation Manual - Guidelines for the Investigator](#). All of these documents, including selection standards FAQs, are available on the POST website, www.post.ca.gov.

Some departments conduct the process in a linear, sequential fashion. Others have been able to combine steps to reduce the time required. One large department, for example, brings the hiring decision-makers together at one time and place. A background investigation officer presents the candidate. A decision is made on the spot to hire or reject the candidate. In other agencies, the background investigation package may move from one reviewer's desk to another until the final reviewer's approval, sometimes taking several days or weeks. Another approach some departments employ is scheduling the written exam, oral interview, and physical abilities assessment on the same day.

Partnering with HR and securing executive commitment to speed up the process can be very helpful. Additionally, some agencies are using technology to facilitate the process by employing on-line applications. One creative agency

personalize the process

Candidates want the personal touch. A long recruitment process with little or no contact by the agency will undermine results.

routes a copy of peace officer applications directly to the recruitment unit for an early review. Promising candidates may be contacted and “fast-tracked” through the process, improving recruitment efforts.

Good candidates may be hired by other agencies or give up on a law enforcement career and seek employment elsewhere. How will the department personalize the process? A part of the strategic planning process includes addressing how the agency will make regular contact with candidates to keep them informed and interested in the agency. Will someone in recruiting call candidates? Will the agency communicate with them via email? Will someone send them an agency newsletter? A customer-focused hiring philosophy is one that seeks to personalize the hiring process.

Personalizing the process includes looking for ways to connect with those who can influence a candidate’s decision. Some agencies conduct an open house event where parents, spouses, and other family members get a tour of the agency and have the opportunity to hear more about the agency, as well as get answers to their questions. What steps will be taken to connect with potential influencers? Personalizing the recruitment process is covered in Chapter 9 of the Best Practices Update (see [BPU](#), 129).

strategies

What strategies will be used to attract qualified candidates? What strategies have worked in the past? Which did not?

Apart from self-referral, the survey of academy recruits identified the Internet and agency employees as the most effective recruitment strategies (see [BPU](#), 33).

A. Internet

Do you have a recruitment website that is up-to-date, uses good graphics and/or animation, provides the information that potential candidates want, is simple to navigate, and is linked to other key department information? Is there an email link or phone number for those who want additional information? If so, are those inquiries promptly answered? Has the agency considered a recruitment blog on its website or social networks to facilitate internet recruitment? Are employment flyers, applications, and other pertinent materials downloadable? Can applications be submitted online?

B. Employees

In what ways can all department employees be engaged in recruitment? Where should recruitment information be placed so that employees can easily access it and who will keep the supplies stocked? Should an employee recruitment incentive be created? Should a recruitment media kit be developed for agency staff to use when making a presentation in the community on other topics? More information is provided in Chapter 9, “Developing an Employee Referral Program,” of the Best Practices

Update (see [BPU](#), 145), including ideas on how to engage employees in the recruitment process.

C. Agency Portals

Should the recruitment strategy identify other “portals of entry” as a means to attract potential candidates into the agency? Volunteer and paid internships, clerical positions, and other civil service positions are just three potential portals to bring people into the agency who may later be prime candidates for peace officer or dispatcher positions.

D. Community Partnerships

Who are potential partners in the community who can help to reach qualified candidates? Which potential partners may have access to targeted groups? Once potential partnerships have been identified, the following should be considered: how to approach these groups, how to explain the benefits of a partnership, and how to educate them on ways they can assist the department. After community partnerships have been established, what logistics are necessary to provide them with materials needed to assist the department and to maintain contact with them for feedback on candidate referrals?

Numerous strategies are referenced in the Best Practices Update. Start with Chapter 2, “[Recruitment](#).” Look at a variety of strategies for diversity recruitment in Chapter 3, “[Diversity Recruitment](#).”

advertising

Advertising is a strategy, which is also related to some of the topics addressed in the section above. In this section, it is narrowly focused on external media outlets, such as radio and television, and Internet job boards, whether done as a public service announcement or paid advertisement.

The basic steps for developing an advertising plan involve determining the target audience, identifying the advertising strategies needed to reach that audience, prioritizing advertising strategies, and implementing the advertising plan. While all of this does not have to be done as a part of the recruitment strategic plan, the recruitment strategic plan will impact how robust the advertising plan will need to be to attract the numbers and types of people desired. The more robust the advertising plan, the bigger the advertising budget will need to be.

At this point in the process, identify what was budgeted for advertising in each of the past three to five years. If the hiring needs are projected to be the same, then previous budgeted amounts may be sufficient if those amounts were adequate and the hiring landscape has not changed. If the labor market is tight, more money may be needed. On the other hand, if the economy is doing poorly and businesses are laying off employees, then less money may be needed.

A previous survey of California law enforcement agencies found that about 53 percent of the respondents budgeted no money for advertising, and another 28 percent budgeted less than \$5,000. Less than 4 percent budgeted more than \$20,000 (see [BPU](#), 43).

evaluate the results

No strategic plan would be complete without including an evaluative component. How will the effectiveness of the recruitment strategic plan be evaluated?

Advertising costs for radio, television, or newspapers may be approximated by identifying media that best reach the primary targeted audience(s). Work with an account manager to estimate the number of ads to be run during the appropriate time frame and the corresponding cost. This can provide an approximate cost for advertising in potential sources.

There are a variety of ways to keep advertising costs down, such as sharing advertising costs with other city or county departments. More information about advertising can be found in Chapter 6, "Developing an Advertising Plan" (see [BPU](#), 107).

It is important to determine how results will be measured at the beginning of the recruitment strategic planning process; appropriate measures can be put in place that will provide the data that is necessary for a comprehensive evaluation of both the plan and strategies employed.

For example, track how candidates heard about job opportunities. How will this be done? Some agencies, for example, have candidates complete a short survey that provides this type of feedback prior to starting the written examination. This can also be done for those who are ultimately hired. One benefit of doing this is that it allows you to identify which strategies attracted the most applicants and/or which strategies resulted in the most candidates qualifying for hiring. This information also allows for the calculation of an advertising cost per applicant, so a determination can be made as to which form of advertising was most effective.

Ongoing evaluation provides the information necessary to make adjustments to the recruitment strategic plan, as well as the strategies employed. More information is available in Chapter 5, "Developing a Recruitment Strategic Plan," and Chapter 6, "Developing an Advertising Plan" (see [BPU](#), pages [97](#) and [107](#)).



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recruitment strategic planning guide checklist

getting started

- Select a project coordinator who is knowledgeable about planning and recruitment.
- Select an executive sponsor.
- Develop a partnership with HR.
- What is the time frame associated with this plan?

planning considerations

- Identify the ideal candidate.
- Are there particular segments of the community that should be targeted for recruitment?

internal factors

- What is the current number of officer and dispatcher vacancies?
- What is the annual attrition rate by type (retirement, voluntary termination, etc.)?
- How many positions need to be filled annually over the life of the plan? Has a workload study been conducted?
- To what extent do employee demographics reflect that of the community? What priorities should be established to focus recruitment efforts?

external factors

- How much will the residential or business communities grow annually over the next three to five years?
- What external factors may increase staffing levels in the next three to five years, such as an annexation or contract to provide service to another jurisdiction or customer?
- How will community demographics change in the next three to five years?
- What kind of development or redevelopment has been approved or is in the planning process and how will this impact staffing?
- Are service priorities expected to change that could result in staffing increases or decreases?
- What is the cumulative impact of these external factors annually?
- What is happening with other employers in the region that represent hiring opportunities and/or make them a competitor for qualified candidates?

***organizational strengths
and weaknesses***

- What are the regional/local pay and benefit trends among other law enforcement employers and how do those compare with the pay and benefits of your agency?
- How will sociological, technological, environmental, economic, or political trends impact the city/county?
- Who are stakeholders that may impact the selection and hiring process?
- What is the reputation of the agency in the community and how can that reputation benefit or hinder the recruitment process?
- Does the agency have a good Internet recruitment site?
- What aspects about the community and region can be used to attract potential candidates and what drawbacks may exist that adversely impact recruitment?
- What aspects about the agency, including culture, may be attractive to potential candidates?
- What kind of relationship does the agency have with internal and external stakeholders?
- Did candidates have a positive experience in the selection process?

***selection and training of
recruitment staff***

- Who will implement the recruitment strategic plan? How can they be involved in the development and implementation of this plan?
- What training will they need to be effective recruiters?
- Do they clearly understand the selection process?

end to end review

- Review POST, labor law, and HR requirements.
- Develop a flowchart depicting the selection process.
- In light of the requirements, review the selection process flowchart to determine what steps can be eliminated, combined, or modified to expedite the selection process.
- How can technology be employed to make the process faster and/or more effective?

personalize the process

- How will contact be maintained with candidates during the selection process (e.g., e-mail or telephone)?
- Designate a point of contact that candidates can call with questions.
- How will you market to those who can influence candidates?

- strategies**
 - Review the Recruitment & Retention Best Practices Update (Chapters [2](#) & [3](#)) for more strategy ideas.
- employees**
 - How will employees be advised and reminded, as “recruitment associates,” about job opportunities prior to and during the selection process?
 - Where will recruitment information for employees be placed and who will restock the supplies?
 - Has an employee recruitment incentive been considered?
- agency portals**
 - Are current employees being encouraged to apply for dispatcher and police officer positions?
 - Has there been consideration given to offering entry level positions (e.g., clerical or property room assignments) to candidates who could promote to dispatcher or police officer positions?
 - Are high school and college internships encouraged?
- community partnerships**
 - What community organizations can help to connect with qualified candidates?
 - How can a partnership with high priority community organizations be developed?
 - How will contact with community organizations be maintained?
- advertising**
 - What advertising strategies will reach the targeted audience?
 - What advertising strategies have successfully worked in the past? What monies have been approved for advertising in the past?
 - What strategies are most cost effective to use, considering the number of positions to fill and available resources to pay for advertising?
 - How much money will be needed to budget for advertising?
- evaluation**
 - How will the effectiveness of the recruitment plan be evaluated?
 - Based on evaluation feedback, what changes will be made to improve results?



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staffing worksheets

The following tables reflect worksheets used to project the annual staffing needs for the next five years.¹²

table 1

Police Officer & Dispatcher – New Staffing Worksheets

Classification	Year 1	Year 2 - New Staff		New Totals	
	Current	Existing	Annex.	Total	New Req.
Officer	131	2	20	153	2 ¹³
Dispatcher	18	0	3	21	3

Classification	Year 2	Year 3 - New Staff		New Totals	
	Current	Existing	Annex.	Total	New Req.
Officer	153	3	2	158	3 ¹⁴
Dispatcher	21	0	0	21	0

Classification	Year 3	Year 4 - New Staff		New Totals	
	Current	Existing	Annex.	Total	New Req.
Officer	158	3	2	163	1
Dispatcher	21	1	22	1	1

Classification	Year 4	Year 5 - New Staff		New Totals	
	Current	Existing	Annex.	Total	New Req.
Officer	163	2	2	167	2
Dispatcher	22	0	0	22	0

¹²The city commissioned a workload study to determine the current and projected workload of officers and dispatchers. POST recommends conducting a workload study taking into consideration community goals and priorities, which may vary significantly between jurisdictions. These tables reflect the current and projected additional staff needed.

¹³Twenty positions with the annexation have already been approved and so were not reflected here.

¹⁴Two positions were pre-approved with the annex for years 3-5, so will not be listed as new positions to be requested here and in years 4 and 5, as well.

table 2 Estimated Annual Attrition¹⁵

Classification	Year 1	Year 2	Year 3	Year 4	Year 5
Officer	13.5	14.9	15.3	15.75	16.2
Dispatcher	2.88	3.4	3.4	3.5	3.5

table 3 Annual Hiring Goals¹⁶

Year 1				
Classification	Vac	Att	New	Total
Officer	26	14	0	40
Dispatcher	6	3	0	9
Year 2				
Officer	0	15	22	37
Dispatcher	0	3	3	6
Year 3				
Officer	0	15	5	20
Dispatcher	0	3	0	3
Year 4				
Officer	0	16	5	21
Dispatcher	0	4	1	5
Year 5				
Officer	0	16	4	20
Dispatcher	0	4	0	4

¹⁵ All authorized sworn classifications are used in calculating the sworn attrition rate. With the increased projected retirements for sworn classifications, a 9 percent annual attrition rate will be used (historical attrition rate of 5 percent plus 4 percent for a greater number of retirements). The annual attrition rate for dispatchers is 16 percent. Attrition includes retirements, voluntary separations, and terminations.

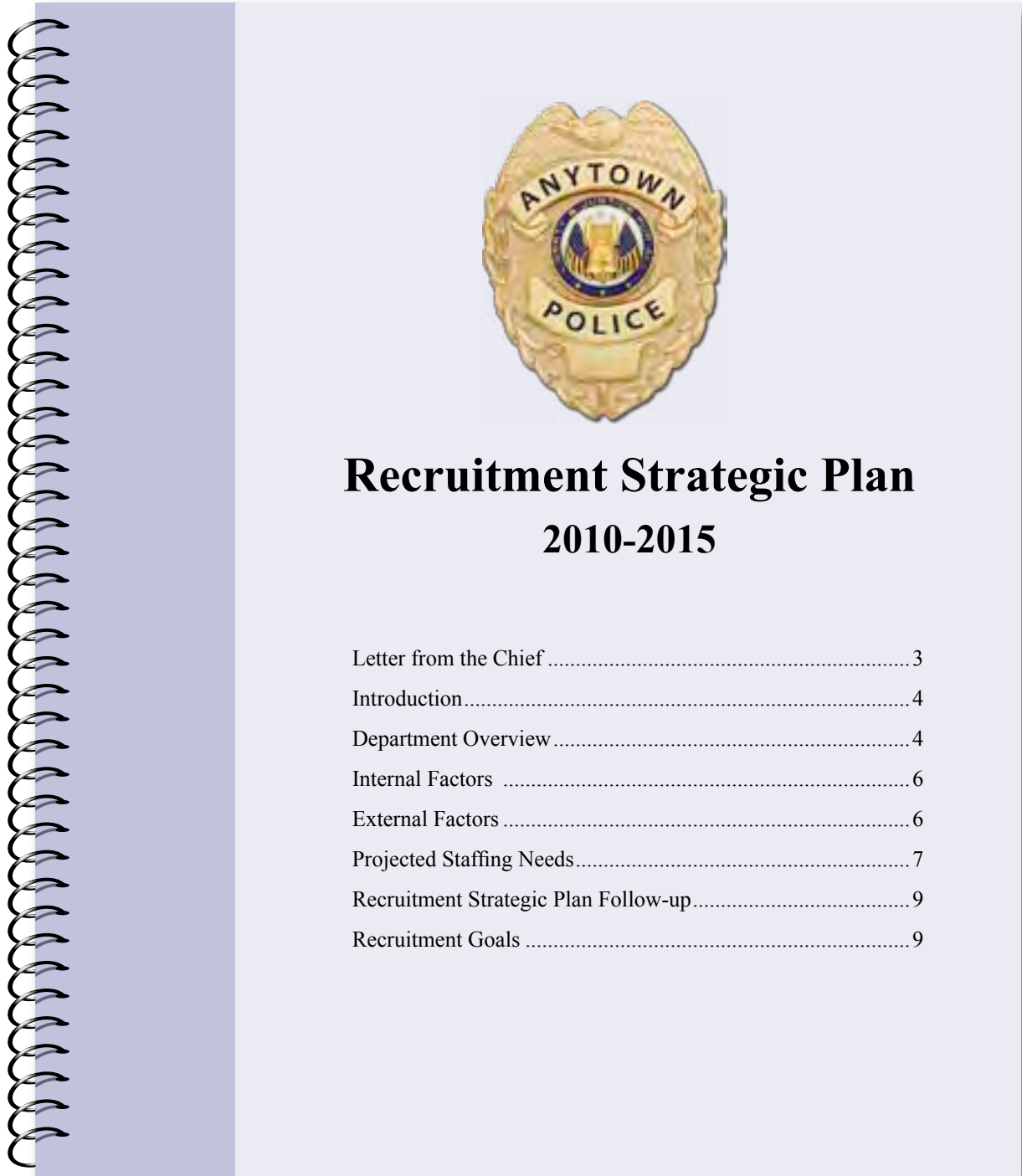
¹⁶ Numbers are rounded to the nearest whole number. While unlikely, this example assumes that all vacancies are filled by the end of each year. In this table, the following abbreviations were used: Vacation (Vac), Attrition (Att).

Attachment

Anytown Police Department

This recruitment strategic plan is designed to provide law enforcement agencies a model to consider when addressing recruitment needs and is meant to be used in conjunction with the POST Recruitment Strategic Planning Guide and POST Recruitment & Retention Best Practices Update. It is based on a medium sized, municipal police department; your department's plan may be more or less extensive depending on hiring needs, available resources, and candidate pool.

You may use the text of this model as a starting point to make developing your plan faster and easier. [Download text](#)





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From: Chief Ben American
To: All Department
Subject: Recruitment Strategic Plan

Attracting qualified staff, especially police officers and dispatchers, has been a challenge. If we fail to take the initiative, the challenges we face in the next five years will be unreasonably difficult.

As we look toward the future, several priorities are clear. First, the annexation of Black Stone in a year will necessitate the hiring of 20 police officers, 2 sergeants, and 3 dispatchers. This is a sizable number of people to hire and train. Second, our police force does not reflect the demographics of our growing community. I believe our police department should mirror our community. Third, retirement projections show a significant increase in the number of people who will retire over the next five years. These realities, coupled with normal attrition, reveal the need to hire approximately 138 police officers and 27 dispatchers.

In order to meet our hiring needs, we need every member of our department helping us find the most qualified staff. This plan represents a significant step forward. However, those who participated in drafting this plan, and those assigned to the Recruitment Unit, cannot alone attain our hiring goals. We need everyone's help! Our goals are:

- Achieve annual hiring goals to meet anticipated staffing needs
- Increase the number of Hispanic employees (by approximately 15 percent) to achieve parity with the community
- Double the number of female officers by year 2015
- Reduce dispatcher turnover by 50 percent within two years

I want to thank the Recruitment Strategic Planning Team for the excellent work this plan represents. The members of the Recruitment Strategic Planning Team are:

Sergeant Rod Blazing Officer Sam Fong
Officer Angela Mendez CSO Brenda Johns
Officer Jim Smith

I also want to thank Captain Jim Rolo who was the executive sponsor for the development of the Recruitment Strategic Plan. He will continue in this role as we implement the plan. Please give your utmost support to the Recruitment Unit as we begin to implement strategies for each of the goals. We must plan! We must find the right staff!

Chief Ben American

Introduction

The purpose of this Recruitment Strategic Plan is to guide the recruitment efforts of this department over the next five years, 2010-2015. The annexation of Black Stone, a projected increase in retirements, and normal attrition will make recruitment in the next several years the most challenging the department has experienced in at least 20 years.

Department personnel and key stakeholders, like members of Anytown City Council and Human Resources (HR), have provided invaluable information that has helped in the development of this strategic plan. The Recruitment Strategic Planning Team says “Thank you” to each of you!

Though this strategic plan is nicely bound, it is intended to be a living document that will change as our environment changes and as we evaluate what works and what does not. Therefore, we fully expect that there may be adjustments to our goals and strategies over the course of the next five years.

Questions about any part of this plan may be directed to any member of the Recruitment Strategic Planning Team. Their names are listed in the Chief’s Letter on the previous page.

As the plan is implemented, feedback is encouraged. There is a role for every department member in the recruitment process. After all, you will be working with the police officers, dispatchers, and others that are hired over the next five years.

The first section provides an overview of the department. This is followed by an assessment of internal and external factors that affect hiring. These three sections, combined, provided the information that was needed to develop the department’s projected staffing needs - and ultimately the goals and strategies. Each of these will be addressed on succeeding pages.

Department Overview

Anytown Police Department serves a population of 100,000. The department has 150 authorized sworn officers and 50 professional staff, for a total staff of 200. Table One provides a summary of the current staffing.

Table 1 Staffing Chart

Classification	Authorized	Filled	Vacant
Sworn			
Chief	1	1	0
Captain	2	2	0
Lieutenant	6	4	2
Sergeant	10	8	2
Officer	131	105	26
Professional			
Manager	2	2	0
Supervisor	4	4	0
Dispatcher	18	12	6
Records Officer	16	14	2
Clerical	5	4	1
CSO	6	6	0

An analysis of the past four years indicated in Table 1 – Staffing Chart shows that the positions of Police Officer and Dispatcher have been the most problematic in filling, which accounts for why they have the greatest number of vacancies.

Table Two – Department & Community Demographics provides a snapshot of the ethnic/cultural composition of the department and the community. As one can see, females and Hispanics are underrepresented as compared to the community.

A review of the current department roster reveals that only 15 percent of the department is Hispanic, as compared to 30 percent of the community. The difference is particularly evident when looking only at sworn staff, where 10 percent are Hispanic.

Further, 26 percent of the department is female, as compared to 49 percent of the local workforce. Female officers, however, represent only 11 percent of the sworn staff. While this seems low, statewide in California, female officers only account for 12.7 percent of all sheriff, police, and community college peace officers.⁸

Table 2 Department & Community Demographics

Classification	No.	Gender M/F	Caucasian	Hispanic	African Amer	Asian	Native Amer
Chief	1	1/0	1				
Captain	2	2/0	1	1			
Lieutenant	4	4/0	4				
Sergeant	8	6/2	5	1	1	1	
Officer	105	94/11	84	10	6	3	2
Sub-Total	120	107/13	95	12	7	4	2
Manager	2	0/2	2				
Supervisor	4	0/4	2	1	1		
Dispatcher	12	0/12	8	2	1	1	
Records Officer	14	8/6	4	4	4	1	1
Clerical	4	0/4	1	2		1	
CSO	6	4/2	2	3		1	
Sub-Total	42	12/30	19	12	6	4	1
Total	162	119/43	114	24	13	8	3
Percent		74%/26%	70%	15%	8%	5%	2%
Community		51%/49%	50%	30%	10%	8%	2%

⁸ California Commission on Peace Officer Standards and Training, [Recruitment & Retention – Best Practices Update](#), (Sacramento: Commission on POST, 2006), 14.

Internal Factors

A review of factors internal to the department has identified the following potential impacts:

- The anticipated growth due to the annexation has been received positively by staff.
- The police labor contract is due to expire later this year. The last negotiation process was very contentious. The union has begun to circulate data indicating officers and other staff are ranked among the 5 lowest paid, as compared to 20 other agencies in the region.
- Exit interviews have shown an increasing percentage of officers and dispatchers leaving to go to work in other agencies in the region.
- Over the past four years, the average annual attrition rates for sworn staff are 5 percent and 16 percent for Dispatchers.
- In a survey of staff, 20 percent of the sworn staff anticipates retiring over the next five years. This represents a 4 percent annual increase over previous years.
- A workload study of police officers and dispatchers shows a trend of growing demand for police services and the need for additional staffing.
- Historically, the City of Anytown Human Resources Department has handled the selection process. However, the projected hiring needs had not been this large in the past.
- In the past four years, no money was budgeted for recruitment. One sergeant is responsible for overseeing recruitment efforts. There has been a cadre of three part-time recruiters, all of whom are Caucasian male officers.
- The department tested only three times in each of the past several years.
- A page on the department's website is dedicated to recruitment, but the information appears minimal.

External Factors

A review of external factors has revealed the following changes that will impact future staffing:

- Local Area Formation Commission (LAFCO) has approved the City's request to annex the Black Stone Community in one year. The area has a resident population of 15,000, plus commercial and light industrial properties. The request included adding 20 police officers, 2 sergeants, 2 dispatchers, and 1 CSO the first year and 2 more officers in each of the following three years.
- Based on population projections for the City's existing boundaries, the resident population is expected to grow at two percent per year for the next five years. This growth is largely the result of new development taking place in the city.
- According to census data, the city is following the statewide trend of a growing Hispanic population. The Hispanic population currently represents 30 percent of the

community, but 40 percent of the Blackstone community to be annexed. The other ethnic segments of the community will remain the same or slightly decline.

- The current economy is stable. However, there are indications that the high tech industry is slowing down and there may be plant closures in the future. If the closures do occur, several thousand employees could be out of work.
- The City is financially solvent. There does not appear to be any significant funding issues on the horizon, due to past fiscal prudence, which allowed for building a sizable reserve.
- A survey of surrounding police departments shows that the percentage of female police officers ranges from 15 to 18 percent, which is above the statewide average.
- All of the city council members were interviewed, as well as the city manager. They strongly voiced their desire to see more female and Hispanic officers on the street. In fact, they would like to see the department double the percentage of female officers. The city manager said he would be willing to supplement the police department recruitment budget if he were convinced that the department had a plan that would achieve this goal.
- The new HR director indicated a willingness to work with the police department to improve the recruitment process. She had some ideas based on her experience in another city.
- A telephone survey of a few community-based organizations, including two faith-based Hispanic churches, revealed they had been unaware that the police department might be interested in recruiting more Hispanic officers. There was an interest in partnering with the police department to address recruitment and other issues.

Projected Staffing Needs

Table Three – Projected Hiring Goals reflects staffing needs anticipated over the next five years, based on projected hiring needs as a result of a work load study, annexation, and attrition. Attachment One - Staffing Worksheets depicts tables used to develop these estimates. Forty police officers and 9 dispatcher positions will need to be filled in the first year and another 37 police officers and 3 dispatcher positions will be needed in year two. Over the five-year period, a total of 132 police officers and 42 dispatchers will need to be hired.

Table 3 Projected Hiring Goals⁹

Classification	Year 1				Year 2				Year 3			
	Vac	Att	New	Total	Vac	Att	New	Total	Vac	Att	New	Total
Officer	26	14	0	40	0	15	22	37	0	15	5	20
Dispatcher	6	3	0	9	0	3	3	6	0	3	0	3

⁹ In these tables, the following abbreviations were used: vacant (Vac.) and attrition (Att.).

Classification	Year 4				Year 5			
	Vac	Att	New	Total	Vac	Att	New	Total
Officer	0	16	5	21	0	16	4	20
Dispatcher	0	4	1	5	0	4	0	4

The first two years will be the most challenging because of the high number of vacancies carried over in the first year, and the annexation in the second year. This five-year projection will need to be modified if additional new positions are approved for other purposes, such as an expansion of the Motor Unit or development of a Gang Unit.

The city council voiced a strong desire to see an increase in the number of Hispanic officers and professional staff, as well as female officers. In fact, they felt the number of Hispanic employees should be at parity with the community. Additionally, they expressed an interest in seeing the number of female officers doubled.

As noted above, the current department roster reveals that only 15 percent of the department is Hispanic, as compared to 30 percent of the current community and 40 percent in the Black Stone Community. Hence, hiring qualified Hispanic employees should be a priority over the next five years. Table Four – Hispanic Hiring Goal reflects the number of Hispanics that would need to be hired annually over the next five years to achieve parity with the community. This model is built on hiring 30 percent of the total positions each year.

Table 4 Hispanic Hiring Goal

Classification	Year 1	Year 2	Year 3	Year 4	Year 5
Sworn	12	11	6	7	6
Professional	3	2	1	2	1

Considering that 3 Hispanics are due to retire in the next five years (2 sworn and 1 professional staff), coupled with hiring an estimated 42 Hispanic police officers and 9 Hispanic professional staff, the total numbers of Hispanic staff would be 52 and 20, respectively. At the end of the five-year period, the total department staffing will be 202 (162 total positions plus the additional staffing consisting of 36 police officers and 4 dispatchers). This raises the total number of Hispanic staff to 72, or 35.6 percent.

If the number of female officers were to be doubled, 18 new officers would need to be added over the five-year time frame. Table Five – Female Officer Hiring Goal represents the proportionate number of female officers that would minimally need to be hired to bring the number of female officers up to 20 percent, factoring in the attrition of 1 female officer each year over the next five years.

Table 5 Female Officer Hiring Goal

Classification	Year 1	Year 2	Year 3	Year 4	Year 5
Police Officer	6	6	4	4	3

Recruiting, hiring, and retaining qualified dispatchers are important. Of utmost concern is the high level of turnover among dispatchers. According to a study of public safety communication centers, the national turnover rate is 17 percent.¹⁰ However, some dispatch centers have very low turnover rates. One such example is the Santa Cruz Consolidated Emergency Communications Center, which has had a 1 percent turnover.¹¹

A brief study of dispatcher turnover statistics revealed that a number of dispatcher trainees fail to pass probation and an equal number leave within two years after completing probation. A focus on dispatchers should focus on recruitment and retention. Table Six – Dispatcher Hiring Goal summarizes the number of dispatcher hires anticipated in each of the following five years.

Table 6 Dispatcher Hiring Goal

Classification	Year 1	Year 2	Year 3	Year 4	Year 5
Police Officer	9	6	3	5	4

This number may not be needed if turnover can be reduced. In the case of dispatchers, turnover should be reduced. Reducing turnover by 50 percent in the next two years should be a reasonable goal.

Recruitment Strategic Plan Follow-Up

Sergeant Blazing is responsible for implementation of this Recruitment Strategic Plan. He is to report directly to Captain Rolo on this project. Sergeant Blazing will attend the Chief's Staff Meeting on the first Monday of each month to report on Recruitment Strategic Plan progress. Individuals responsible for aspects of the plan, regardless of assignment, will provide monthly progress reports to Sergeant Blazing.

Recruitment Goals

The following recruitment goals have been established. Each goal is accompanied by supporting objectives, strategies, and evaluation criteria.

¹⁰Mary Jean Taylor, Veronica Gardner, Phil Clark and Barbara McCombs, Staffing and Retention in Public Safety Communication Center – Effective Practices Guide and Staffing Workbook, (University of Denver Research Institute, August 2005), <http://www.911trainer.com/docs/APCO%20Project%20Retains.pdf>, 21.

¹¹ California Commission on Peace Officer Standards and Training, [Recruitment & Retention – Best Practices Update](#), 156.

Goal #1 – Achieve annual hiring goals to meet anticipated staffing needs.

Objective #1.1 – Develop a Recruitment Team that reflects the department’s hiring goals.

Strategy #1.1.1 – Select a full-time Hispanic officer, a female officer, and a dispatcher to be assigned full-time to the Recruitment Team.

Strategy #1.1.2 – Identify a diverse cadre of ancillary staff, including dispatchers, who can attend recruitment events, be a point of contact for candidates (see Strategy #1.5.3), and assist with various recruitment goals/strategies.

Evaluation Criteria – Does the recruitment team reflect the department’s annual hiring goals?

Assigned to: Sgt. Blazing

Objective #1.2 – Reduce the time required for the Hiring Process by 20 percent.

Strategy #1.2.1 – Flow chart the hiring process for police officers and dispatchers, accurately depicting in detail each step in the process from filing an application to final offer of employment, including the estimated time needed for each step.

Strategy #1.2.2 – Review the POST selection and background requirements for police officers and dispatchers.

Strategy #1.2.3 – Meet with HR to discuss labor law and personnel rules pertinent to employee selection; technology that can be employed, including online applications; and brainstorm ways to speed the recruitment and hiring process.

Strategy #1.2.4 – Prioritize options to speed the hiring process and implement as appropriate to achieve at least a 20 percent reduction in the time required for the selection process.

Evaluation Criteria – After implementing changes, compare the time required to complete a hiring process with that prior to making changes.

Assigned to: Sgt. Blazing

Objective #1.3 – Actively solicit the assistance of department employees in helping to identify and refer qualified candidates in each hiring cycle.

Strategy #1.3.1 – Conduct employee focus groups primarily comprised of officers and/or dispatchers to determine what ideas they have to improve the recruitment process, and gather information about what they like best about working for the department.

Strategy #1.3.2 – Develop a recruitment memo explaining how employees can assist with the recruitment process, including Frequently Asked Questions.

Strategy #1.3.3 – Determine the best locations to place recruitment information to facilitate employee access.

Strategy #1.3.4 – Identify a person to regularly stock employee recruitment materials.

Evaluation Criteria – Track the number of employees who participate and the number of

candidates who were referred by a department employee.

Assigned to: Sgt. Blazing

Objective #1.4 – Update recruitment materials.

Strategy #1.4.1 – Collect copies of current recruitment flyers for police officers and dispatchers. Review these materials to ensure the information is current and accurate. Update as needed.

Strategy #1.4.2 – Determine the number and type of recruitment materials, including exhibit promotional “give-aways,” and amount of money needed to have the necessary materials printed.

Evaluations Criteria – Obtain employee and candidate feedback on revised recruitment materials.

Assigned to: TBD

Objective #1.5 – Personalize the recruitment process.

Strategy #1.5.1 – Develop a police officer and dispatcher candidate email database.

Strategy #1.5.2 – Send out brief monthly emails to candidates providing them with information about current events in the department and general information about the recruitment and selection processes.

Strategy #1.5.3 – Develop a list of recruitment coordinators who will serve as a point of contact for candidates who have questions. Provide training to these coordinators on the kinds of information they can provide to candidates. Encourage coordinators to make personal contact with the candidates, especially from targeted groups, on a monthly basis.

Strategy #1.5.4 – Schedule a quarterly open house for candidates and their friends and families to attend a recruitment presentation, Q & A time, and tour the facilities.

Evaluation Criteria – Obtain feedback from candidates about how well the emails, personal contact, and open houses meet their needs.

Assigned to: TBD

Objective #1.6 – Determine feasibility of increasing the frequency of the hiring cycle.

Strategy #1.6.1 – Meet with HR to discuss conducting a testing process quarterly or more often to meet hiring demand, particularly in the first two years of this plan. Include the possibility of allowing continuous filling of applications for targeted positions.

Strategy #1.6.2 – Review past records to determine how many people applied for police officer and dispatcher positions, and the number who advanced to the next step of the process, up to, and including, the background process and number actually deemed qualified to be hired.

Strategy #1.6.3 – Modify the hiring process to provide a flow of candidates to meet hiring needs.

Evaluation Criteria – Track each hiring cycle to determine the number of applicants, how many move forward in the testing cycle, and how many are ultimately hired. Monitor the results against hiring goals and adjust the frequency of testing accordingly.

Assigned to: Sgt. Blazing

Objective #1.7 – Enhance the recruitment webpage.

Strategy #1.7.1 – Identify resources that describe effective websites (See POST Recruitment and Retention, Best Practices Update).

Strategy #1.7.2 – Contact other law enforcement agencies to determine what contributes to website recruitment success.

Strategy #1.7.3 – Conduct focus groups with job applicants to determine what they would like to see posted on the website.

Strategy #1.7.4 – Update the website based on information gained in 1.7.1-1.7.3.

Evaluation Criteria – Survey job candidates to determine if the website provided the information they needed. Include a section for candidates to provide ideas to improve the website.

Assigned to: Webmaster

Objective #1.8 – Develop a recruitment budget.

Strategy #1.8.1 – Review goals 1-3 and prepare a “Proposed Recruitment Strategic Planning Budget” accompanied by a cover letter for Chief American’s signature directed to the city manager with a request for additional funding.

Strategy #1.8.2 – Dispatch is to prepare a proposed budget based on the retention strategies identified.

Evaluation Criteria – Approval of a recruitment budget.

Assigned to: Sgt. Blazing

Goal #2 – Increase the number of Hispanic employees (by approximately 15 percent) to achieve parity with the community.

Objective #2.1– Identify specific approaches and organizations with whom to partner in order to target candidates from the Hispanic community.

Strategy #2.1.1 – Conduct a focus group with current Hispanic staff to identify recruitment ideas and organizations within the Hispanic community.

Strategy #2.1.2 – Compile a list of Hispanic community groups, including faith-based organizations, and invite them to informational meetings.

Strategy #2.1.3 – Determine whether or not recruitment materials should be translated into Spanish and the costs to do so.

Strategy #2.1.4 – Identify specific strategies to create awareness of career opportunities within the Hispanic community, including paid advertisements in at least two Hispanic publications targeting young-adult Hispanics.

Evaluation Criteria – Track the number of Hispanics who apply for department positions and are subsequently hired.

Assigned to: TBD

Objective #2.2 – Engage Hispanic employees in the recruitment process.

Strategy #2.2.1 – Involve Hispanic employees who would be willing to videotape a “My Story” or testimonial as to why they chose a career with Anytown Police Department and what they have enjoyed about working for the organization. Use employee quotes in recruitment materials specifically targeting Hispanic candidates and/or place the interviews on the department’s website.

Strategy #2.2.2 – Identify Hispanic employees who would be willing to attend job fairs, speak to Hispanic community groups, and answer questions from candidates and/or their families.

Strategy #2.2.3 – Identify Hispanic employees who would be willing to coach Hispanic candidates through the hiring process.

Evaluation Criteria – Solicit feedback from selected employees on how effective they were in coaching candidates. Solicit feedback from candidates on the coaching process.

Assigned to: Sgt. Blazing

Goal #3 – Double the number of female officers by 2015.

Objective #3.1– Identify specific approaches and organizations with whom to partner in order to attract female candidates.

Strategy #3.1.1 – Conduct a focus group with female officers to identify recruitment ideas to attract female candidates and organizations/groups within the community where prospective female candidates may be found.

Strategy #3.1.2 – Compile a list of community groups frequented by women, including faith-based organizations, and invite them to informational meetings.

Strategy #3.1.3 – Determine whether or not recruitment materials should be modified or developed specifically to recruit women.

Strategy #3.1.4 – Identify specific strategies to create awareness of career opportunities for women, including paid advertisements in one or more publications targeting women.

Evaluation Criteria – Track the number of women who apply for department positions and are subsequently hired.

Assigned to: TBD

Objective #3.2 – Involve female officers in the recruitment process.

Strategy #3.2.1 – Identify female officers who would be willing to videotape a “My Story” or testimonial as to why they chose a career with Anytown Police Department and what they have enjoyed about working for the organization. Use employee quotes in recruitment materials specifically targeting female candidates and/or place the interviews on the department’s website.

Strategy #3.2.2 – Identify female officers who would be willing to attend job fairs, speak to community groups, and answer questions from candidates and/or their families.

Strategy #3.2.3 – Identify female employees who would be willing to coach female candidates through the hiring process.

Evaluation Criteria – Solicit feedback from selected employees on how effective they were in coaching candidates. Solicit feedback from candidates on the coaching process.

Assigned to: TBD

Goal #4 – Reduce dispatcher turnover by 50 percent within two years.

Objective #4.1 – Identify factors contributing to turnover.

Strategy #4.1.1 – Review the Staffing and Retention in Public Safety Communication Centers Report to identify factors contributing to dispatcher turnover.

Strategy #4.1.2 – Survey communications staff to determine which issues may be contributing to turnover.

Strategy #4.1.3 – Contact former communications staff to determine what factors contributed to their decision to leave.

Strategy #4.1.4 – Assemble a team of dispatchers to review the survey results and develop a list of recommendations to reduce turnover.

Strategy #4.1.5 – Implement high priority strategies to reduce dispatcher turnover.

Evaluation Criteria – Survey dispatchers to determine if the changes are improving the work environment. Conduct exit interviews with dispatchers who voluntarily resign. Track dispatcher turnover and compare statistics with prior years and the goal of a 50 percent reduction.

Assigned to: Dispatch Center Manager

Basic Course Workbook Series Student Materials

Learning Domain 20

Use of Force

Version 3.1

**Basic Course Workbook Series
Student Materials
Learning Domain 20
Use of Force
Version 3.1**

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THE ACADEMY TRAINING MISSION

The primary mission of basic training is to prepare students mentally, morally, and physically to advance into a field training program, assume the responsibilities, and execute the duties of a peace officer in society.

FOREWORD

The California Commission on Peace Officer Standards and Training sincerely appreciates the efforts of the many curriculum consultants, academy instructors, directors and coordinators who contributed to the development of this workbook. The Commission extends its thanks to California law enforcement agency executives who offered personnel to participate in the development of these training materials.

This student workbook is part of the POST Basic Course Training System. The workbook component of this system provides a self-study document for every learning domain in the Basic Course. Each workbook is intended to be a supplement to, not a substitute for, classroom instruction. The objective of the system is to improve academy student learning and information retention.

The content of each workbook is organized into sequenced learning modules to meet requirements as prescribed both by California law and the POST Training and Testing Specifications for the Basic Course.

It is our hope that the collective wisdom and experience of all who contributed to this workbook will help you, the student, to successfully complete the Basic Course and to enjoy a safe and rewarding career as a peace officer serving the communities of California.

A handwritten signature in black ink, appearing to read 'Paul Cappitelli', with a stylized flourish at the end.

PAUL CAPPITELLI
Executive Director

LD 20: Use of Force

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Preface

Introduction

Student workbooks

The student workbooks are part of the POST Basic Course Instructional System. This system is designed to provide students with a self-study document to be used in preparation for classroom training.

Regular Basic Course training requirement

Completion of the Regular Basic Course is required, prior to exercising peace officer powers, as recognized in the California Penal Code and where the POST-required standard is the POST Regular Basic Course.

Student workbook elements

The following elements are included in each workbook:

- chapter contents, including a synopsis of key points,
 - supplementary material, and
 - a glossary of terms used in this workbook.
-

How to Use the Student Workbook

Introduction

This workbook provides an introduction to the training requirements for this Learning Domain. It is intended to be used in several ways: for initial learning prior to classroom attendance, for test preparation, and for remedial training.

Workbook format

To use the workbook most effectively, follow the steps listed below.

Step	Action
1	Begin by reading the: Preface and How to Use the Workbook, which provide an overview of how the workbook fits into the POST Instructional System and how it should be used.
2	Refer to the Chapter Synopsis section at the end of each chapter to review the key points that support the chapter objectives.
3	Read the text.
4	Complete the Workbook Learning Activities at the end of each chapter. These activities reinforce the material taught in the chapter.
5	Refer to the Glossary for a definition of important terms. The terms appear throughout the text and are bolded and underlined the first time they appear (e.g., <u>term</u>).

Chapter 1

Introduction to the Use of Force

Overview

Learning need Peace officers must recognize that they have the authority to use reasonable force to effect an arrest, to prevent escape, or to overcome resistance as authorized by the California Penal Code. For their safety, and for the safety and well-being of fellow officers, it is critical that peace officers know the laws governing the use of force.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to:	E.O. Code
<ul style="list-style-type: none">• discuss <i>reasonable force</i> as stated by law.	20.01.EO1
<ul style="list-style-type: none">• discuss the components of the Fourth Amendment standard for determining <i>objective reasonableness</i>, as determined by the U.S. Supreme Court.	20.01.EO2
<ul style="list-style-type: none">• explain the legal framework establishing a peace officer's authority during a legal arrest, including:<ul style="list-style-type: none">- subject's requirement to submit to arrest without resistance- peace officer's authority to use reasonable force during a detention or arrest.	20.01.EO3 20.01.EO4
<ul style="list-style-type: none">• identify the circumstances set forth in the California Penal Code when a peace officer has the authority to use force.	20.01.EO5
<ul style="list-style-type: none">• discuss the level of authority agency policies have regarding the use of force by a peace officer.	20.01.EO6

Continued on next page

Overview, Continued

In this chapter This chapter focuses on the legal aspects regarding a peace officer's authority to use force. Refer to the following chart for specific topics.

Topic	See Page
Reasonable Force	1-3
Authority to Use Force	1-6
Chapter Synopsis	1-8
Workbook Learning Activities	1-10

Reasonable Force

[20.01.EO1, 20.01.EO2]

Introduction

Reasonable force is a legal term for how much and what kind of force a peace officer may use in a given circumstance.

Penal Code Section 835a states: “Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance.”

Fourth Amendment “objective reasonableness” standard

In 1989, the United States Supreme Court applied an objective standard to a force situation and further established how reasonable force must be judged objectively (*Graham v. Connor*, 490 U.S. 386, 109 S.Ct. 1865) (1989)). The Court’s analysis began by considering the subject’s Fourth Amendment right to remain free from any unreasonable seizure against the government’s interest in maintaining order through effective law enforcement.

The Court noted that determining the objective reasonableness for the use of force must be *fact specific*, and established the following four components for determining reasonableness:

	The reasonableness of a particular use of force must be...
1	judged from the perspective of a reasonable officer.
2	examined through the eyes of an officer on the scene at the time the force was applied, not the 20/20 vision of hindsight.
3	based on the facts and circumstances confronting the officer without regard to the officer’s underlying intent or motivation.
4	based on the knowledge that the officer acted properly under the established law at the time.

Continued on next page

Reasonable Force, Continued

The officer's perspective

Peace officers will constantly be faced with decisions of when to use force and to what degree it should be applied.

The totality of the circumstances must be evaluated from *the perspective of the officer at the scene*, rather than from an outsider's benefit of "20/20" hindsight. Reasonable force must be based on the facts and circumstances known to the peace officer at the time the force was used.

The Court noted that:

"the amount of force necessary for the situation is determined by the objective reasonableness as judged by a reasonable officer given the officer's training and experience."

A reasonable officer is defined as an officer with similar training, experience, and background in a similar set of circumstances, who will react in a similar manner.

Community policing

Community members want their officers to possess the skills necessary to subdue violent and dangerous subjects. They also want officers to use these skills to apply only the amount of force that is reasonable to effect an arrest, to overcome resistance, or to prevent escape. Force should never be used to punish subjects. In the American criminal justice system, punishment in the form of judgments is the sole responsibility of the courts.

Continued on next page

Reasonable Force, Continued

The officer's intent

The objective for the use of force by peace officers in any situation is to ultimately gain or maintain **control** of an individual and the situation.

Control, as it relates to defensive tactics, means maintaining composure to make sound judgments and decisions.

Additional gauges for reasonableness

The Court noted that the following facts should also be considered, but not limited to, when gauging reasonableness:

- The severity of the crime
 - The nature and extent of the threat posed by the subject
 - The degree to which the subject resists arrest or detention
 - Any attempts by the subject to evade arrest by flight
-

Reasonable officer standard

The **reasonable officer** standard:

- would another officer
 - with like or similar training and experience,
 - facing like or similar circumstance,
 - act in the same way or use similar judgement?
-

Authority to Use Force

[20.01.EO3, 20.01.EO4, 20.01.EO5, 20.01.EO6]

Introduction

It is the role of the peace officer to protect and serve the public. Peace officers who make or attempt to make an arrest may use reasonable force when faced with a threat or resistance.

Subject's duty to submit to arrest

Whether a subject is legally detained or arrested, it is the subject's duty to refrain from resisting the officer's authority.

Penal Code Section 834a states:

“If a person has knowledge, or by the exercise of reasonable care, should have knowledge, that he is being arrested by a peace officer, it is the duty of such person to refrain from using force or any weapon to resist such arrest.”

Officer authority to use restraint

An arrest can be made by physically restraining a subject or by the subject submitting to the authority of the officer.

Penal Code Section 835 states:

“An arrest is made by an actual restraint of the person, or by submission to the custody of an officer. The person arrested may be subjected to such restraint as is reasonable for arrest and detention.”

Continued on next page

Authority to Use Force, Continued

Authority and criteria for the use of force

Penal Code Section 835a states:

“Any officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect an arrest, to prevent escape or to overcome resistance.

A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.”

Agency policies

Although the statutory law and case law have provided a foundation for the use of force by a peace officer, the most detailed considerations and regulations are established by each agency’s policies.

Limitations on the use of force are set by agency policy. These policies are attempts to provide reasonable guidelines for officers to protect them and their agency from criminal and civil liability.

Peace officers are responsible for becoming familiar with and complying with their agency’s policies and guidelines regarding the use of force.

Chapter Synopsis

Learning need Peace officers must recognize that they have the authority to use reasonable force to effect an arrest, to prevent escape, or to overcome resistance under the circumstances authorized by the California Penal Code. For their safety, and well-being of fellow officers, it is critical that peace officers know the laws governing the use of force.

Reasonable force
[20.01.EO1] *Penal Code Section 835a* states:
“Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance.”

The Fourth Amendment
[20.01.EO2] The U.S. Supreme Court noted that determining the objective reasonableness for the use of force must be *fact specific* and established four components for determining reasonableness.

Subject’s requirement to submit to arrest without resistance
[20.01.EO3] *Penal Code Section 834a* states:
“If a person has knowledge, or by the exercise of reasonable care, should have knowledge, that he is being arrested by a peace officer, it is the duty of such person to refrain from using force or any weapon to resist such arrest.”

Peace officer’s authority to use restraint during a detention or arrest
[20.01.EO4] *Penal Code Section 835* states:
“an arrest is made by an actual restraint of the person, or by submission to the custody of an officer. The person arrested may be subjected to such restraint as is reasonable for their arrest and detention.”

Continued on next page

Chapter Synopsis, Continued

**Penal code
authority
[20.01.EO05]**

Penal Code Section 835a grants officers authority to use force under specific circumstances.

**Level of
authority of
specific agency
policies
[20.01.EO6]**

Limitations on the use of force are set by specific agency policy. All such policies are attempts to provide guidelines and to protect the officer and agency from criminal and civil liability.

Workbook Learning Activities

Introduction

To help you review and apply the material covered in this chapter, a selection of learning activities has been included. No answers are provided. However, by referring to the appropriate text, you should be able to prepare a response.

Activity questions

1. During an attempt by peace officers to arrest a subject for rape, the subject pulled an object from his pocket, pointed it at the officers, and in a highly agitated voice said, "Leave me alone or I'll kill you. I've got a gun!" When a bystander came around the corner, the subject aimed the object at her. One of the officers shot the subject, who later died. The object brandished by the subject was discovered to be a toy gun. Do you feel the officer exercised reasonable force? Explain why or why not based on the four components of reasonableness established by the U.S. Supreme Court.

2. When considering what force is reasonable, peace officers must remember that, as officers, they have rights as well. Outline each of these rights and explain how they might apply when dealing with a violent subject who is resisting arrest.

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

3. Explain why it is important for peace officers to be familiar with their agency's policies on use of force, even though they may thoroughly understand the case law decisions as well as the California Penal Code regarding an officer's authority to use force.

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

4. During a lawful detention based on reasonable suspicion, the suspect tells the officer that he does not want to speak to the officer and begins to walk away.

Explain why or why not an officer could use force to effect the detention and the applicable authorities.

Chapter 2

Force Options

Overview

Learning need Peace officers must recognize that they have a range of force options available to them. However, in all cases the use of force must be reasonable compared to the threat, resistance, and other circumstances known to the officer at the time the force was used.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to:	E.O. Code
• discuss the term “ <i>force option</i> .”	20.02.EO1
• identify that the objective of using force is to overcome resistance to gain control of an individual and the situation.	20.02.EO2
• recognize force options and the amount of force peace officers may use based on the subject’s resistance.	20.02.EO3
• explain the importance of training and ongoing practice when responding to potentially dangerous situations that may require the use of force.	20.02.EO4
• discuss the importance of effective communication when using force.	20.02.EO5

Continued on next page

Overview, Continued

In this chapter This chapter focuses on principles of use of force. Refer to the following chart for specific topics.

Topic	See Page
Force Options	2-3
Resistance	2-6
Communication	2-11
Chapter Synopsis	2-13
Workbook Learning Activities	2-14

Force Options

[20.02.EO1, 20.02.EO2, 20.02.EO4]

Introduction

Force options are choices available to a peace officer in each agency's policy to overcome resistance, effect arrest, prevent escape, or gain control of the situation.

Objective for use of force

The objective for the use of force by peace officers is to gain and maintain control of an individual and the situation.

Peace officers are required to:

- use the type of force which is reasonable under the circumstances
 - use only the amount of force reasonable to overcome resistance and to gain or maintain control of a subject
 - conform to agency policy and federal and state law
-

Officer judgement

The amount of force applied shall not exceed what is reasonable to overcome the subject's resistance to gain or maintain control of the subject. Each officer must rely on their judgment to employ **objectively reasonable** force for that specific situation.

The *reasonableness* of a particular use of force must be judged from the perspective of a reasonable officer. Examined through the eyes of an officer on the scene at the time the force was applied, not the 20/20 vision of hindsight. Based on the facts and circumstances confronting the officer without regard to the officer's underlying intent or motivation. Based on the knowledge that the officer acted properly under the established law at the time.

Continued on next page

Force Options, Continued

Officer preparation

In law enforcement, preparation can mean the difference between life and death as well as generate a professional image for a peace officer. The following chart identifies some items officers must consider and prepare for:

Item	Considerations	Benefits
Uniforms	<ul style="list-style-type: none">- Proper fit- Neat, professional appearance- Does not impair free movement	<ul style="list-style-type: none">- More effective- Command presence
Gear	<ul style="list-style-type: none">- In good condition- Inspected regularly- Readily accessible	<ul style="list-style-type: none">- Increased confidence in the application of physical force
Firearms	<ul style="list-style-type: none">- Cleaned and maintained- Serviced by a trained armorer as necessary	<ul style="list-style-type: none">- Increased confidence in the application of deadly force
Body armor	<ul style="list-style-type: none">- Fits properly- Does not interfere with movement- Is worn by the officer	<ul style="list-style-type: none">- Enhanced survivability

Practice and training

It has been established that peace officers, when required to respond in dangerous situations, will revert to the responses they learned in training. Officers' tactical performance may depend entirely on how well and effectively they have trained and practiced required skills and abilities.

Without ongoing practice and training, peace officers place themselves and others in jeopardy of injury or death.

Continued on next page

Force Options, Continued

Factors affecting selection

There are a number of factors that can affect which force option is selected. The following chart identifies but is not limited to some of the most critical:

Factor	Considerations
Public safety	<ul style="list-style-type: none">- Immediate action required for self-defense or defense of others
Amount and nature of the resistance which must be overcome	<ul style="list-style-type: none">- Passive resistance- Active resistance- Assaultive resistance- Life-threatening resistance
Presence of a weapon and type of weapon	<ul style="list-style-type: none">- Other Weapons- Firearms
Seriousness and nature of the offense	<ul style="list-style-type: none">- Misdemeanor cite and release- DUI- Armed Robbery
Characteristics of the subject as compared to the characteristics of the officer	<ul style="list-style-type: none">- Size- Age- Knowledge of Capabilities- History
Availability of assistance	<ul style="list-style-type: none">- Number of officers- Available backup units
Nature and condition of the location and surroundings	<ul style="list-style-type: none">- Danger to bystanders- Availability of weapons

Resistance

[20.02.EO3]

Introduction

Subjects' resistance/actions to an arrest will determine the type of force used by peace officers.

Subjects actions

The following chart illustrates how a subject's resistance/actions can correlate to the force applied by an officer:

Subject's Actions	Description	Possible Force Option
Cooperative	Subject offers no resistance	<ul style="list-style-type: none">- Mere professional appearance- Nonverbal actions- Verbal requests and commands
Passive non-compliance	Does not respond to verbal commands but also offers no physical form of resistance	<ul style="list-style-type: none">- Officer's strength to take physical control, including lifting/carrying- Control holds and techniques to direct movement or immobilize a subject
Active resistance	Physically evasive movements to defeat an officer's attempt at control, including bracing, tensing, running away, or verbally signaling an intention to avoid or prevent being taken into or retained in custody	<ul style="list-style-type: none">- Control holds and techniques to control the subject and situation- Use of personal weapons in self-defense and to gain advantage over the subject- Use of devices to secure compliance and ultimately gain control of the situation

Continued on next page

Resistance, Continued

Subjects actions
(continued)

Subject's Actions	Description	Possible Force Option
Assaultive	Aggressive or combative; attempting or threatening to assault the officer or another person	<ul style="list-style-type: none"> - Use of devices and/or techniques to secure compliance and ultimately gain control of the situation - Use of personal body weapons in self-defense and to gain advantage over the subject
Life-threatening	Any action likely to result in serious injury or possibly the death of the officer or another person	<ul style="list-style-type: none"> - Utilizing firearms or any other available weapon or action in defense of self and others

NOTE: Officers must take into account the *totality of the circumstances* when selecting a reasonable force option. It is not the intent of this chart to imply that an officer's force options are limited based on any single factor.

NOTE: Officers must be aware of and comply with their specific agency policies regarding appropriate force options.

Constant reevaluation

Peace officers must use the force option appropriate for the situation as conditions may change rapidly. Officers must continually reevaluate the subject's action and must be prepared to transition as needed to the appropriate force options.

Continued on next page

Resistance, Continued

Constant reevaluation
(continued)

The following tools and techniques are not in a particular order nor are they all inclusive.

Tools and Techniques for Force Options
Verbal Commands/Instructions/Command Presence
Control Holds/Takedowns
Impact Weapons
Electronic Weapons (Tasers, Stun Guns, etc.)
Chemical Agents
Firearms
Body Weapons
Impact Projectile
Carotid Restraint Control Hold

Continued on next page

Resistance, Continued

Examples

The following chart presents examples of situations and an reasonable and unreasonable use of force based on the level of resistance/actions that is being offered by the subject:

Situation	Subject's Action(s)	Officer's Response(s)
During a traffic stop an officer discovered that the driver had several outstanding traffic warrants.	The driver offered no resistance, was cooperative, and responded immediately to the verbal commands of the officer.	<i>Reasonable:</i> The officer's presence and verbal commands controlled the situation.
		<i>Unreasonable:</i> The officer used a physical control hold immediately before giving verbal commands. The driver became fearful of the officer's actions and began to struggle with the officer. Absent other mitigating factors, the officer's use of force was unreasonable and may have escalated the threat.
During a traffic stop an officer discovered that the driver had several outstanding traffic warrants.	The driver complied with the officer's verbal command to get out of the car and showed no signs of threatening behavior, but refused to cooperate in any other way.	<i>Reasonable:</i> The officer used a firm grip to overcome the driver's passive resistance to the officer's efforts to direct the movement of the driver and maintain control of the situation.
		<i>Unreasonable:</i> The officer used an impact weapon to disable the subject before applying a control hold and placing the subject under arrest.

Continued on next page

Resistance, Continued

Examples
(continued)

Situation	Subject's Action(s)	Officer's Response(s)
<p>During a traffic stop an officer discovered that the driver had several outstanding traffic warrants.</p>	<p>The driver complied with the officer's verbal command to get out of the car but then pulled away and assumed a fighting stance.</p>	<p><i>Reasonable:</i> The officer used a leg sweep takedown technique to gain physical control of the subject and then placed the subject under arrest. Since the subject exhibited assaultive behavior toward the officer, the use of force by the officer was reasonable.</p>
		<p><i>Unreasonable:</i> The officer continued making verbal requests for the subject to comply and attempted no other action to gain control of the subject. Even though the subject was not actively attacking the officer, he was actively and aggressively resisting the officer's attempt to arrest him. By not responding to the changing situation with reasonable force, the officer may have placed himself in greater danger of losing control and placed himself at risk of serious injury.</p>

Communication

[20.02.EO5]

Introduction

Effective communication may enable a peace officer to gain cooperation and voluntary compliance in stressful situations (e.g., confronting a hostile subject).

Importance of effective communication

The vast majority of law enforcement responsibilities involve effective communication. Communication involves both command presence and words resulting in improved safety. The following chart highlights some benefits of effective communication:

For...	Effective Communication...
Safety	<ul style="list-style-type: none">• provides skills that reduce the likelihood of physical confrontation• can result in a reduction of injuries
Professionalism	<ul style="list-style-type: none">• renders more effective public service and improves community relations• decreases public complaints and internal affairs investigations• decreases civil liability• lessens personal and professional stress

Continued on next page

Communication, Continued

The law enforcement profession and communication

Law enforcement is a highly visible profession. When peace officers communicate, they represent:

- themselves/agency
- executive staff(chief or sheriff)
- government (city, county, state, federal)
- public interest
- authority (laws, the Constitution, the Bill of Rights, etc.)
- law enforcement profession as a whole

Effective communication is a basic element of the use of force. A major goal of law enforcement is to gain voluntary compliance without resorting to physical force.

NOTE: For additional information regarding effective communication refer to LD 1, *Ethics*, LD 3, *Policing in the Community*, LD 4, *Victim Assistance*, LD 18, *Investigative Report Writing*, LD 21 *Pedestrian Stops*, LD 22, *Vehicle Pullovers*, and LD 37, *Persons with Disabilities* in addition to other Learning Domains.

Chapter Synopsis

Learning need Peace officers must recognize that they have a range of force options available to them. However, in all cases the use of force must be reasonable compared to the threat, resistance, and other circumstances known to the officer at the time the force was used.

Force option [2.02.EO1] Force options are choices available to a peace officer in each agency's policy to overcome resistance, effect arrest, prevent escape, or gain control of the situation.

Goal of using force to gain control [20.02.EO2] The objective of the use of force by peace officers in any situation is to ultimately gain or maintain control of an individual and therefore the situation.

Officer's use of force vs subject's level of resistance [20.02.EO3] An officer's selection of the force option or amount of force should be based on the amount or degree of resistance of the subject as well as other relevant conditions or circumstances of the specific situation.

Ongoing training and practice for responding to dangerous situations [20.02.EO4] It has been established that peace officers, when required to respond quickly in dangerous situations, will revert to trained responses. Officers' tactical performance may depend entirely on how well and effectively they have trained for and practiced their abilities and skills.

Effective communication [20.02.EO5] The vast majority of law enforcement responsibilities involve effective communication. Communication involves both professional demeanor and words resulting in improved safety and professionalism.

Workbook Learning Activities

Introduction

To help you review and apply the material covered in this chapter, a selection of learning activities has been included. No answers are provided. However, by referring to the appropriate text, you should be able to prepare a response.

Activity questions

1. One of the factors that must be considered in selecting a force option is the characteristics of the individual peace officer as compared with those of the subject. Use the charts below to compare your personal characteristics at this time to those of the subjects shown. Why is it important to objectively assess your own characteristics and capabilities?

Officer	Subject - Male
	Size: approximately 6' 3" and 230 pounds
	Age: 24
	Capabilities: gun enthusiast and marksman, possibly armed, muscular and athletic
	History: past record of domestic violence (battery), several speeding tickets, one conviction for DUI

Continued on next page

Workbook Learning Activities, Continued

Activity questions
(continued)

Officer	Subject - Female
	Size: approximately 5' 3" and 110 pounds
	Age: 30
	Capabilities: unknown, athletic build, accompanied by young child
	History: no record on file

- Using the information in the charts from Activity 1, consider each subject separately and explain how and why you might react differently to each person when encountered in the following scenario:

During a traffic stop, a records check of the driver reveals a current warrant for arrest under suspicion of grand theft. The driver exits the car as directed but passively resists all other commands. The driver's hands remain in his jacket pockets.

Continued on next page

Workbook Learning Activities, Continued

Activity questions
(continued)

3. Give an example of a force option at each of the following levels of force:

- cooperative
- resistive
- assaultive
- life-threatening

Next, outline a scenario for each option in which you think that force option might be acceptable.

Chapter 3

Use of Deadly Force

Overview

Learning need Peace officers must fully comprehend their authority, responsibility, and liability regarding the use of deadly force as authorized by law.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to:	E.O. Code
<ul style="list-style-type: none">• identify the legal standard for the use of deadly force.	20.03.EO1
<ul style="list-style-type: none">• identify the factors required to establish <i>sufficiency of fear</i> for the use of deadly force.	20.03.EO2
<ul style="list-style-type: none">• recognize facts an officer should consider when determining whether or not to use deadly force.	20.03.EO3
<ul style="list-style-type: none">• discuss the role of agency policies regarding the use of deadly force.	20.03.EO4
<ul style="list-style-type: none">• recognize the law regarding justifiable homicide by a public officer and the circumstances under which the homicide is considered justifiable.	20.03.EO5

Continued on next page

Overview, Continued

In this chapter This chapter focuses on the use of deadly force. Refer to the following chart for specific topics.

Topic	See Page
Considerations Regarding the Use of Deadly Force	3-3
Justifiable Homicide by Public Officer	3-11
Chapter Synopsis	3-18
Workbook Learning Activities	3-20

Considerations Regarding the Use of Deadly Force

[20.03.EO1, 20.03.EO2, 20.03.EO3, 20.03.EO4]

Introduction The use of deadly force is the most serious decision a peace officer may ever have to make. Such a decision should be guided by the reverence for human life and, used only when other means of control are unreasonable or have been exhausted.

Definition Deadly force applied by a peace officer is force that creates a substantial risk of causing death or serious bodily injury.

Leadership Reverence for life is the foundation on which the use of deadly force rests. Deadly force is always the last resort used in the direst of circumstances. The authority to use deadly force is an awesome responsibility given to peace officers by the people who expect them to exercise that authority judiciously. In the law enforcement/community partnership, peace officers are expected to be self-disciplined, accountable, and in turn, the community is expected to support its peace officers.

To protect self or life An officer may use deadly force to protect oneself or others when the officer has the objective and reasonable belief that his/her life, or the life of another, is in imminent danger of death or serious physical injury based upon the totality of the facts known to the officer at the time.

Continued on next page

Considerations Regarding the Use of Deadly Force, Continued

Use of deadly force on fleeing subject

In 1985, based on a person’s Fourth Amendment protection from unreasonable seizures by peace officers, the United States Supreme Court ruled on a case where an officer used a firearm (deadly force) to prevent the escape of a non-violent fleeing felon. The officer in this case relied on the “fleeing felon” standard, which allowed the use of deadly force on any category of felon that was attempting to escape. The Court applied the reasonableness test set forth in the Fourth Amendment (*Tennessee v. Garner*).

The lessons learned from the United States Supreme Court case of *Scott v Harris* (2007) 127S. Ct 1769 is that there is no way-to-apply a legal test. The ultimate question is whether the use of the particular force in a particular situation was reasonable. To make that determination, the court must balance the nature and quality of the intrusion on the individual’s Fourth Amendment interests against the importance of the governmental interests alleged to justify the intrusion.

The Court applied the following points that would make it reasonable for an officer to use deadly force against a fleeing subject in this particular set of circumstances (i.e. using a firearm to stop a fleeing suspect escaping on foot).

	Components of the Garner decision...
1	“...if the subject threatens the officer with a weapon or there is <i>probable cause</i> to believe that he has committed a crime involving the infliction of serious bodily harm [or death]...”

Continued on next page

Considerations Regarding the Use of Deadly Force, Continued

Use of deadly force on fleeing subject
(continued)

	Components of the Garner decision...
2	“... <i>probable cause</i> to believe that the subject poses a threat of death or serious physical harm, either to the officer or others...”
3	“... <i>probable cause</i> to believe that the use of deadly force is <i>reasonably necessary</i> ...”[to prevent escape]
4	“... <i>some warning</i> be given prior to the use of deadly force <i>where feasible</i> ...”

NOTE: This US Supreme Court decision is only the baseline for use of deadly force in this particular set of circumstances. Peace officers must also know the California Penal Code and agency policies. Officers must conform to agency policy and federal and state law.

Related terms

In order to understand the aspects of the use of deadly force, peace officers need to become familiar with the following terms.

Serious bodily harm or injury means a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness, concussion, bone fracture, protracted loss or impairment of function of any bodily member or organ, a wound requiring extensive suturing, and serious disfigurement. (*Penal Code Section 243(f)(4)*)

Continued on next page

Considerations Regarding the Use of Deadly Force, Continued

Related terms (continued)

Reasonable necessity means that delay in apprehension would create substantial and unreasonable risk to officers or others possibly resulting in serious physical injury or death.

Imminent danger means a significant threat that peace officers reasonably believe will result in death or serious bodily injury to themselves or to other persons. Imminent danger is not limited to “immediate” or “instantaneous.” A person may pose an imminent danger even if they are not at the *very moment* pointing a weapon at another person.

Sufficiency of fear

According to the law, fear alone does not justify the use of deadly force. There must be a *sufficiency of fear* for the use of deadly force to be justified. (*Penal Code Section 198*)

There are three elements needed to establish sufficiency of fear.

- The circumstances must be sufficient to excite the fears of a *reasonable person* in like circumstances.
 - The person must not act *under the influence of fear alone*. There has to be some circumstance or overt act apart from the officer’s fear.
 - The decision to use deadly force must be made *to save one’s self or another* from great bodily injury or death.
-

Considerations when deciding to use deadly force

The decision of whether or not to use deadly force may be influenced by the officer’s:

- training and experience
 - judgment
 - mental alertness
 - emotional maturity
-

Continued on next page

Considerations Regarding the Use of Deadly Force, Continued

**Considerations
when deciding
to use deadly
force**
(continued)

- existing facts and circumstances
 - understanding of the law as it relates to
 - agency policies concerning the use
 - amount of force that is objectively reasonable to achieve the law enforcement mission
-

**Agency
policies**

Although the law and courts have established a baseline for the use of deadly force, the conditions under which deadly force may be used are strictly controlled by agency policy. *Officers must conform to agency policy and federal and state law.*

Some issues regarding the use of deadly force addressed by agency policies include, but are not limited to:

- defense of self and others against great bodily harm or death
 - use of warning shots
 - shooting at:
 - nonviolent fleeing felons
 - juveniles
 - moving vehicles
 - shooting from a moving vehicle
 - intentional strikes to the head or neck with an impact weapon
-

Continued on next page

Considerations Regarding the Use of Deadly Force, Continued

Examples

The following chart presents examples that illustrate the selection of deadly force based on the details of the situations given:

Situation	Subject's Action(s)	Officer's Response(s)
A neighbor called the police to report that there seemed to be suspicious activity in the house next door; the owner is known to be away on vacation.	A burglar, surprised by a peace officer entering the room, shot at the officer and missed.	Since the burglar used deadly force against the officer, the officer had the authority to use deadly force to shoot back in self-defense.
	After missing the officer, the burglar threw his weapon down and surrendered to the officer.	The officer was no longer in immediate danger of being seriously injured or killed and no longer had the authority to use deadly force. The burglar should be apprehended through other means.

Continued on next page

Considerations Regarding the Use of Deadly Force, Continued

Examples
(continued)

Situation	Subject's Action(s)	Officer's Response(s)
<p>A peace officer got out of the patrol car to question a man loitering on a street corner.</p>	<p>The subject, using only his fists, attacked the officer.</p>	<p>The attack was of such force and violence to cause the officer to reasonably believe there was danger of being seriously injured. Provided that all other reasonable means of self defense had been exhausted or would have been ineffective, the officer would have had the authority to use deadly force in self-defense.</p>
	<p>The subject's attack was haphazard indicating that he was not experienced in any form of physical fighting skills and was reacting in fear rather than in rage.</p>	<p>Based on no other circumstances, the attack might not have been life-threatening to the officer, and other less than deadly force options would have been available to the officer to gain control of the situation.</p>

Continued on next page

Considerations Regarding the Use of Deadly Force, Continued

Examples
(continued)

Situation	Subject's Action(s)	Officer's Response(s)
<p>Two officers were dispatched to a convenience store where a silent alarm was tripped.</p>	<p>An armed male subject saw the official patrol vehicle and fled.</p>	<p>The officers saw that the store clerk had been shot but was still alive and gesturing toward the fleeing subject. The officers realized that the subject was trying to escape and they had seen that he had a gun. Because the subject used a firearm to commit the crime, if necessary, the officers have the authority to discharge their firearms to prevent the escape and effect the arrest.</p>
		<p>The store clerk had not been injured and the officers did not know if the fleeing subject was armed. Unless the officers have knowledge that the robbery included the use or threatened use of force likely to cause death or serious injury, they would not have the authority to use deadly force to prevent the subject from fleeing.</p>

Justifiable Homicide by Public Officer

[20.03.EO5]

Introduction

Homicide is the lawful or unlawful killing of a human being by another human being. Under certain circumstances homicide by a public officer can be justifiable and legal.

Definition

Penal Code Section 196 states: “Homicide is justifiable when committed by public officers and those acting by their command in their aid and assistance, either:

- in obedience to any judgement of a competent court,
 - when necessarily committed in overcoming actual resistance to the execution of some legal process, or in the discharge of any other legal duty, or
 - when necessarily committed in retaking felons who have been rescued or have escaped, or when necessarily committed in arresting persons charged with a felony, and who are fleeing from justice or resisting such arrest.”
-

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Justifiable Homicide by Public Officer, Continued

Justifiable homicide by a public officer

There are conditions that must be met in order for a homicide by a public officer to be deemed justifiable, and therefore lawful. The following chart further identifies these conditions:

Homicide by a public officer may be justified when...	Explanation
ordered by a court to carry out a death sentence.	If officers are under the orders of a competent court to participate in capital punishment, the officers would be committing legal execution and could not be held responsible or prosecuted.
acting in the course of duty.	In self defense an officer shoots at an armed subject and kills a bystander. This would be legally justified, but only if the accident happened in the course of duty.
retaking escaping felons.	Homicide is justifiable when necessarily committed in retaking felons who have been rescued or have escaped. (<i>Penal Code Section 196</i>) NOTE: <i>Fleeing felon</i> alone is no longer adequate justification.
arresting a felon who resists to the point where deadly force is reasonable.	This applies to arrest situations where: <ul style="list-style-type: none"> • a threat to life exists • the subject could not have been taken by using other than deadly means

NOTE: These conditions must be read in light of the legal standard established by the U.S. Supreme Court in *Tennessee v. Garner* and *Scott v. Harris*.

Continued on next page

Justifiable Homicide by Public Officer, Continued

Unjustifiable homicide by a public officer

The following chart illustrates the circumstances under which homicide by a public officer may not be justified (based on mitigating factors):

Homicide by a public officer may NOT be justified when...	Explanation
pursuing nonviolent felons.	In the case of nonviolent offenses, such as forgery or grand theft, the consideration for human life and the safety of bystanders would preclude shooting the subject.
arresting or pursuing a felon who does not present a threat to life.	If it is not a violent felony, then the use of deadly force against the fleeing subject would be improper. A violent felony is one which threatens death or serious bodily harm.
when arresting or pursuing a misdemeanant who does not pose imminent danger of death or serious bodily injury to people.	When an arrest is for a misdemeanor, use of deadly force is not justified. It is the principle of the law that it is better to allow a misdemeanant to escape than to apply deadly force against the individual.

Continued on next page

Justifiable Homicide by Public Officer, Continued

Considerations before using deadly force

In some instances, peace officers may have time to evaluate and assess all aspects of a situation. In most situations, split-second decisions must be made.

As part of the mental process for preparing to use deadly force, peace officers should consider several important factors *before* a situation requiring the use of deadly force arises. The following chart suggests, but is not limited to, a few of the circumstances that should be considered.

Circumstances	Considerations
Threat to life	<ul style="list-style-type: none"> • Does the subject present a credible threat to the officer or others? <p>NOTE: Peace officers may use force reasonable to defend their lives or the lives of others.</p>
Imminent threat	<ul style="list-style-type: none"> • Does the subject present an imminent threat to life? • Is the subject threatening the officer or others with a weapon? • Subject's access to weapons or potential weapons • Proximity of subject to the officer.
Type of crime/subjects	<ul style="list-style-type: none"> • Is the nature of the crime violent or non-violent? • Is there a large number of subjects to be confronted?
Type of weapon	<ul style="list-style-type: none"> • Can it cause serious bodily injury or death?
Subject's capabilities	<ul style="list-style-type: none"> • Does the subject demonstrate superior physical skill over the officer?

Continued on next page

Justifiable Homicide by Public Officer, Continued

**Considerations
before using
deadly force
(continued)**

Circumstances	Considerations
Location and background	<ul style="list-style-type: none">• Is there a crowd of innocent people behind the subject?
The officer's present capabilities	<ul style="list-style-type: none">• What sort of weapon or other capabilities are at the officer's disposal?

NOTE: Officers must always take into account the totality of circumstances when selecting a force option for a given situation. It is not the intent of this chart to imply that any one circumstance alone may or may not justify the use of deadly force.

Continued on next page

Justifiable Homicide by Public Officer, Continued

Examples

The following chart illustrates examples of the use of deadly force by an officer:

Situation	Subject's Action(s)	Officer's Response(s)
An officer in a patrol vehicle witnessed a drug transaction taking place on a sidewalk near a group of juveniles.	Seeing the officer leave the vehicle and move toward him, the suspected dealer fled down the street. The dealer entered a large building to escape.	The officer drew his firearm, shot and killed the fleeing subject. Even though the offense witnessed by the officer was a felony, the crime did not involve the use or threatened use of force likely to produce death or serious injury. The homicide by the peace officer in this situation would have been unjustified and therefore unlawful.
	While fleeing the scene, the dealer pulled a handgun from his waistband and began firing randomly toward the officer.	In this situation, the subject was posing an immediate danger of causing the death or serious injury to the officer as well as to nearby bystanders. The homicide by the peace officer would have been justified and lawful.

Continued on next page

Justifiable Homicide by Public Officer, Continued

Examples
(continued)

Situation	Subject's Action(s)	Officer's Response(s)
During a riot, an officer witnessed two men shoplifting from a store in the area.	In the confusion of the riot, one of the subjects pulled out a handgun and began to fire at others who were trying to prevent his actions.	The initial crime was a misdemeanor, however, the situation had now escalated because of the use of deadly force by the subject. In such extreme circumstances, the officer's actions are lawful and the homicide justifiable.
	When the men fled the scene, the officer drew his firearm and ordered the men to stop. They ignored the officer's commands.	The officer fired at the fleeing subjects and fatally shot one. Since the offense witnessed by the officer was a misdemeanor and non-violent, the homicide would not have been justified and therefore was unlawful.

Chapter Synopsis

Learning need Peace officers must fully comprehend their authority, responsibility, and liability regarding the use of deadly force as authorized by law.

Legal standard for the use of deadly force [20.03.EO1]

The Court established four components for using deadly force on a fleeing subject in the line of duty.

- “...if the subject threatens the officer with a weapon or there is *probable cause* to believe that he has committed a crime involving the infliction of serious bodily harm [or death]...”
- “...*probable cause* to believe that the subject poses a threat of death or serious physical harm, either to the officer or others...”
- “...*probable cause* to believe that the use of deadly force is *reasonably necessary*...”[to prevent escape]
- “...*some warning* be given prior to the use of deadly force *where feasible*...”

Factors required to establish a sufficiency of fear [20.03.EO2]

There are three elements needed to establish sufficiency of fear.

- The circumstances must be sufficient to excite the fears of a *reasonable person* in like circumstances.
- The person must not act *under the influence of fear alone*. There has to be some circumstance or overt act apart from the officer’s fear.
- The decision to use deadly force must be made *to save one’s self or another* from great bodily injury or death.

Continued on next page

Chapter Synopsis, Continued

**Considerations
when to use
deadly force
[20.03.EO3]**

The decision of whether or not to use deadly force may be influenced by the officer's:

- training and experience
 - judgment
 - mental alertness
 - emotional maturity
 - existing facts and circumstances
 - understanding of the law as it relates to:
 - agency policies concerning the use, and
 - the amount of force that is objectively reasonable to achieve the law enforcement mission
-

**Role of
agency
policies
[20.03.EO4]**

Although the law and courts have presented a baseline for the use of deadly force, the conditions under which deadly force may be used are strictly controlled by department policy. **Officers must conform to agency policy, federal and state law.**

**Justifiable
homicide by a
public officer
[20.03.EO5]**

Penal Code Section 196 defines justifiable homicide by a public officer. Homicide by a public officer may be justified when:

- the officer is under orders to carry out a death sentence
 - acting in the course of duty
 - retaking escaping felons
 - arresting a felon who resists to the point deadly force becomes reasonable
-

Workbook Learning Activities

Introduction

To help you review and apply the material covered in this chapter, a selection of learning activities has been included. No answers are provided. However, by referring to the appropriate text, you should be able to prepare a response.

Activity questions

1. After an exhausting foot chase, a subject stops and threatens the pursuing officer with a knife. Though the officer is well trained in self-defense and takedown techniques after five years on patrol, the officer is outsized by the subject by at least 75 pounds. The officer's equipment currently includes her service firearm, a baton, and handcuffs. The foot chase has ended on a busy urban sidewalk with the officer's partner is far behind. Is the officer justified in using deadly force to protect herself? What are some of the determining circumstances influencing your decision?

2. In your own words explain the concept of "sufficiency of fear" required to justify the use of deadly force.

Continued on next page

Workbook Corrections

Suggested corrections to this workbook can be made by going to the POST website at: www.post.ca.gov

Continued on next page

Chapter 4

Documenting the Use of Force

Overview

Learning need When a force option has been employed, peace officers' reports must include the critical information to ensure that the chronology, specifics of the events, and the people involved are properly documented.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to:	E.O. Code
<ul style="list-style-type: none">• describe why complete documentation of the use of force is critical to the peace officer and the peace officer's agency, to include:<ul style="list-style-type: none">- justification for using force- relevant factors and detail	20.04.EO1

In this chapter This chapter focuses on documenting the use of force. Refer to the following chart for specific topics.

Topic	See Page
Documenting the Use of Force	4-2
Report Writing Tip	4-7
Chapter Synopsis	4-10
Workbook Learning Activities	4-11

Documenting the Use of Force

[20.04.EO1]

Introduction

A peace officer's ability to clearly document the facts and activities of a use of force incident not only reflects on the officer's own professionalism, but also on the ability of the justice system to prosecute the criminal case or limit civil liability. Every use of force incident is different and may require different information.

Facts and circumstances are not limited to the written report. Other factors to be considered include:

- crime scene processing
 - evidence collections
 - photographs
 - witness and subject statements
 - medical records
-

“Objective reasonableness” standard

The U.S. Supreme Court has determined that the objective reasonableness for the use of force must be *fact specific*.

The reasonableness of an officer's use of force in the line of duty must be...

- | |
|---|
| <ul style="list-style-type: none">• judged from the <i>perspective of a reasonable officer</i>.• examined through the eyes of a reasonable officer on the scene <i>at the time the force was applied</i>. Not 20/20 hindsight.• based on the facts and circumstances confronting the officer <i>without regard to the officer's underlying intent or motivation</i>.• based on the knowledge that the officer <i>acted properly under the established law at the time</i>. |
|---|

In order for the officer's actions to be properly evaluated, the courts must rely on the documentation of all relevant factors.

Continued on next page

Documenting the Use of Force, Continued

Inadequate documentation

Peace officers may not clearly or adequately remember the specific details of an event. The most frequent reasons given for not including information include, but are not limited to:

- exhaustion/injury
- lack of time
- brevity is mandated
- trying to shorten the process by not including every application of force

It is imperative that *each* report be thorough and comprehensive, documenting all aspects of the use of force based on the officer's recollection.

It sometimes takes years before a case works its way through the court system. As time increases between the incident when force was used and any legal or civil action:

- an officer's memory may fade
- evidence may be destroyed
- a witness may be unavailable or cannot be located

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Documenting the Use of Force, Continued

Level of detail

To ensure that all the relevant information is included in their reports, officers need to be aware of the degree of detail required when documenting the use of force.

Precursory acts

Precursory acts are those events that led up to the encounter with the subject, including how the officer arrived at the scene as well as what observations helped the officer assess the situation.

Giving detailed information of the precursory acts provides the background information necessary to justify the use of force. Possible information includes, but is not limited to:

- establishing that the officer was acting in an official capacity
 - the wearing of an approved uniform that clearly identifies the officer as a peace officer
 - the mode of travel and whether or not the vehicle was clearly identifiable as a law enforcement vehicle
 - identification as a peace officer
 - the reason for the officer's presence
-

Subject behavior

Officers should describe the specific orders, commands, or requests that they gave to the subject. *Both* the officer's and the subject's responses and reactions to those commands should be documented, including direct quotes if possible.

Continued on next page

Documenting the Use of Force, Continued

Factors

Officers need to describe the factors between the subject and themselves that justify the use of force, including but not limited to:

- number of officers/subjects
- height and weight of each subject
- gender and age of each subject
- strength and fighting skills of each subject
- physical condition of each subject
- clothing (i.e., uniform with equipment vs. casual attire)
- stance of each subject (describe)

In addition to the subject's physical attributes, it is necessary to document the specific characteristics regarding the identification of a subject. Some characteristics include, but are not limited to:

- prior contact
 - obvious prison or gang tattoos
 - specific gang attire
 - access to potential weapons such as knives, boots, rings, or guns
-

Environment

Officers should observe and record details regarding the environment where the confrontation took place. This information includes, but is not limited to:

- physical environment where the contact took place (e.g., high crime area, etc.)
 - subject's potential to gain assistance or aid from friends or associates
-

Continued on next page

Documenting the Use of Force, Continued

Describing the type of force used

Officers need to be very clear regarding the type of force applied in given situations. This includes, but is not limited to:

- identifying techniques by their proper names and providing a written description
 - the effect or non-effect of the force technique used upon the subject
 - the rationale for adjusting and transitioning the level of force
 - communication before, during or after the use of force
-

Post-custody actions

After the subject has been taken into custody, peace officers should describe other actions such as, but not limited to:

- safe and effective adjustment of handcuffs
 - double locking the handcuffs (reduces the possibility of inflicting injury from handcuffs over-tightening)
 - obtaining first-aid or medical treatment for the subject and/or themselves when reasonably safe to do so
 - damage to their clothing (i.e., uniforms) and equipment
 - collection of evidence (what, where, and by whom)
-

Witness statements

Statements made immediately after the confrontation are often the most accurate since there is little time to become confused or let outside influences confuse the facts. Whenever possible, witnesses should be located and interviewed at the scene of the confrontation.

Use of a tape recorder or videotaping the statements of witnesses and subjects may be beneficial to the reporting officer.

NOTE: It is important to collect all statements including those persons who claim they did not see any part of the incident.

Report Writing Tip

Use of force

Use of force incidents are measured against a standard called “objective reasonableness” (*Graham vs. Conner*, 1989). It is imperative, therefore, for you to thoroughly understand this concept. Without a grasp of it, the effectiveness of your writing for this purpose will be diminished. Before reading further, review the “objective reasonableness” standard in this workbook (Learning Domain 20, *Use of Force*) student workbook or related DVD materials.

Specific fact patterns

When writing a “use of force” report, you must document all the facts and circumstances “at the moment” of the particular use of force. In other words; what specific fact patterns, observations or circumstances were apparent to you when you made the decision to use force?

First, begin by “setting the stage.” Document the type of call and all information known to you before and after the call. Second, describe each person involved in the force transaction which includes, but is not limited to, their physical traits, apparent mental and emotional state, objective symptoms (drugs/alcohol), weapons, etc. Third, document a chronological step-by-step detailed account of the force transaction. Most importantly, articulate how the force transaction interconnected with the primary objective of maintaining control. Fourth, think of your writing as a “video” that replays the event visually, mentally, emotionally and physically for others so it communicates what transpired effectively and clearly.

Set the stage

..I was on duty and in uniform. I was dispatched to John’s Liquor store at 2330 hours in regards to a WMA, 6-0', 250 lbs, 23-25 years old, wearing a blue jacket, white “tee” shirt and blue jeans. According to dispatch, an anonymous female (RP), who was leaving the Liquor Store, said the WMA (suspect) asked if she wanted to buy drugs. The RP said the suspect showed her a small plastic bag containing white powder...

Continued on next page

Report Writing Tip, Continued

Involved person(s)

...I arrived at John's Liquor store at 2335 hours. I approached on foot from approximately 50-yards north of the liquor store, which is located on the west side of the street. I saw (with an unobstructed view) the above-described suspect and ordered him to stop, but he continued to advance and repeated, "you're going down!" When the suspect came within about eight feet of me, I sprayed him directly in the face with a two-second burst of pepper spray. The suspect immediately dropped to his knees and started screaming, "You blinded me!"

Step by step account

...The suspect said in a loud voice, "What do you want?" I told the suspect I needed to ask him a couple of questions. The suspect clenched his hands into fists and raised his arms chest height and shouted, "You're going down!" The suspect started walking slowly toward me with his fists chest high. I ordered the suspect to stop, but he continued to advance and repeated, "You're going down!" When the suspect came within about eight feet of me, I sprayed him directly in the face with a two-second burst of pepper spray. The suspect immediately dropped to his knees and started screaming, "You blinded me!"...

Thinking questions

1. What additional and specific fact patterns should be expected in a use of force report?

 2. Why is it important that a use of force report be written in a way that shows what the officer was thinking and perceiving at the time of the force transaction?
-

Continued on next page

Report Writing Tip, Continued

The link

In every use of force transaction, give an accurate account of who did what within the circumstances that were apparent to you when you made the decision to use force.

NOTE: This is not all there is to know about how to write a use of force report. Additional training is needed in areas such as scene description, interviews, evidence, medical, etc. This “tip” is only intended as a starting point for further discussion or learning activities with your instructor to broaden your expertise in this critical area.

Chapter Synopsis

Learning need When a force option has been employed, peace officers' reports must include critical information to ensure that the chronology, specifics of the events, and the people involved are properly documented.

Complete documentation [20.04.EO1] It is imperative that *each* report be thorough and comprehensive, documenting all aspects of the use of force.

Workbook Learning Activities

Introduction

In order to help you review and apply the material covered in this chapter, a selection of learning activities has been included. No answers are provided. However, by reviewing the different sections, you should be able to decide on an appropriate response.

Activity questions

1. A peace officer on foot patrol notices commotion on a busy street corner. Walking over, he finds that a large woman (approximately 5' 10" and 250 pounds) sitting in the street, obstructing traffic. As the officer approaches, he notices that the woman smells strongly of alcohol. When the officer states, "Please move out of the street, Miss," the woman becomes belligerent, shouting obscenities at the officer. As he is about to exercise a control hold, she strikes the 180 pound officer and begins to flail her arms and strike him repeatedly, calling him Jim and asking, "How could you do this to me?" (This later turns out to be her husband's name.) After enduring several strikes, the officer hits the woman in the legs once with his baton, throwing her off balance and subduing her. She is handcuffed and transported to an approved medical facility. Toxicology reports later show that the woman was under the influence of alcohol and PCP. The medical exam showed that the baton strike caused a hairline fracture in the woman's right tibia (lower leg). She is now suing the officer and the department for excessive use of force.

How could a well documented report help the officer in this civil case?
What advantage could witness statements offer?

Continued on next page

Workbook Learning Activities, Continued

Activity questions
(continued)

2. Next to each report element in the chart below, list the features of the scenario that you feel the officer should include in his report. Consider how each might support his choice of force option.

Precursory acts	
Subject behavior	
Physical characteristics	
Additional details about the subject	
Environment	
Type of force used	
Post-custody action	
Witness statements	

Chapter 5

Fear and Anger Management in the Use of Force

Overview

Learning need Peace officers must be ready to, and capable of, safely taking control of a dangerous situation.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to:	E.O. Code
<ul style="list-style-type: none">• discuss factors that can affect a peace officer's response when threatened with danger, to include:<ul style="list-style-type: none">- fear- reasonable- unreasonable- anger- indecision and hesitation	20.05.EO1
<ul style="list-style-type: none">• give examples of acceptable techniques for managing anger	20.05.EO4
<ul style="list-style-type: none">• describe the benefits of ongoing physical and mental training for peace officers involving the use of force	20.05.EO5

Continued on next page

Overview, Continued

In this chapter This chapter focuses on the emotional aspects of the use of force. Refer to the chart below for specific topics.

Topic	See Page
Fear and Anger Management in the Use of Force	5-3
Self Control	5-7
Role of Initial and Ongoing Training	5-14
Chapter Synopsis	5-17
Workbook Learning Activities	5-18

Fear and Anger Management in the Use of Force

[20.05.EO1]

Introduction

The objective of using force is to gain control of a person or situation. It is acceptable for a peace officer to take the initiative to confront a suspected law violator. The use of force by an officer is not one of hostility but rather one designed to defend and protect the community from criminal violence.

Authority to use force (reemphasis)

Any peace officer who has reasonable cause to believe the person to be arrested has committed a public offense may use reasonable force to affect the arrest, to prevent escape, or to overcome resistance. (*Penal Code Section 835a*)

Ethics

Reverence for the law is the basis for the use of reasonable force by peace officers. The rule of law is what distinguishes democracy from authoritarian control. The use of reasonable force is guided and restricted by ethics, law and agency policy. Officers study law and policy so they act lawfully and ethically; in confidence that they can withstand the test of public scrutiny.

Factors affecting the peace officer's response

When peace officers use force, there are several factors that can influence their actions and the outcome of the event. These include the officer's:

- attitude or prejudices toward any involved party (e.g., self, partner, bystander, subject, etc.)
 - insensitivity or arrogance, creating a negative emotional response
 - sincere and courteous behavior, reducing problems and danger associated with an arrest
 - life experience, past performance, training, etc.
-

Continued on next page

Fear and Anger Management in the Use of Force, Continued

Officer's use of force

Peace officers who use force are not considered hostile, but rather they are using it for the defense and protection of the community from criminal violence.

What constitutes reasonable force is dependent on the subject's actions. The subject's actions can be:

- cooperative
 - resistive
 - assaultive
 - life-threatening
 - passive non-compliance
-

Continued on next page

Fear and Anger Management in the Use of Force, Continued

Self-control

Self-control is one of a peace officer's greatest assets in dealing with a person or a situation.

Self-control:

- is a result of the development of confidence in one's skills
- also comes through training, practice, and experience
- improves decision making/reaction time

Self-control is maintaining composure to make sound judgments and decisions.

Some subjects can be controlled by the *peace officer's command presence*.

- Professional demeanor can have a positive influence on calming a subject, making it easier to take the subject safely into custody.
- Nonprofessional demeanor can easily lead to increased conflict, encouraging dangerous behavior by the subject and resulting in poor behavior on the part of the officer.

Continued on next page

Self Control

[20.05.EO1, 20.05.EO4]

Introduction

The use of force in dangerous situations may bring on emotional responses as well as physiological responses that officers must be prepared to recognize and manage.

Emotional responses

Two major emotional factors that officers need to focus on to maintain self control are:

- fear, an emotional response to a perceived threat
- anger, a feeling of displeasure from perceived opposition

It is important to understand fear and anger, since both can affect officers' reactions during a dangerous situation.

- Uncontrolled fear and anger tend to decrease the officers' ability to make sound judgments and decisions.
 - Uncontrolled fear and anger tend to increase hesitation, verbal abuse and unreasonable force.
-

Continued on next page

Self Control, Continued

Definition of fear

Fear is a normal emotional response to a perceived threat (real or unreal). Fear is normal and does not become a problem until it interferes with the ability to perform effectively.

Experiencing fear

Everyone has experienced the sensation of fear. It is unpleasant but normal, natural, and often necessary.

A person's fear changes with time and experience. Fear may alter alertness during stressful situations. Courage or bravery are not the lack of fear, but in fact, the control of fear.

Physiological reactions to fear

When a person experiences fear, the body reacts, often by an increase in adrenaline, heart rate, and breathing. In addition, some common body and mind responses to fear may include:

- blood clotting enzymes flow into the system to minimize damage from wounds
 - vision and hearing become more acute and focused (e.g., tunnel vision and tunnel hearing)
 - increased muscle tension and perspiration
 - raised pain thresholds
 - time distortion
 - color distortion
 - impaired fine motor skills
-

Continued on next page

Self Control, Continued

Types of fear

There are two types of fear: reasonable and unreasonable. The following chart explains the differences between the two.

Reasonable Fear	Unreasonable Fear
<ul style="list-style-type: none">• A controlled and legitimate fear• A mechanism that is necessary for officer safety based on perceived circumstances	<ul style="list-style-type: none">• Generated in the officer's mind with no direct correlation to facts and situations

Situations that may generate reasonable fear

Reasonable fear may result when an officer experiences increased tension in response to a potential threat.

The officer may experience **reasonable fear** as a result of:

- a sudden or erratic movement by a subject
 - the sight of a weapon in a subject's possession
 - the knowledge that a person is in danger of bodily harm
 - a sudden sound produced outside of the officer's field of vision
 - unresponsive, unexpected response to the officer's action
-

Situations that may generate unreasonable fear

Unreasonable fear includes overreactions to true potential threats as well as reactions to unreal threats based on prejudice or poor application of past experience.

Continued on next page

Self Control, Continued

Situations that may generate unreasonable fear (continued)

The officer may experience **unreasonable fear** as a result of:

- an emotional response to a traumatic event
 - generalization of past trauma (such as being bitten by a dog as a child or suffering a painful gunshot wound)
 - personal prejudice against people of a particular race, religion, ethnic group, etc.
 - overall anxiety as a result of uncertainty about one's own skills and expertise
-

Sources of unreasonable fear

Unreasonable fear can be responsible for inappropriate responses such as a failure to respond, or responding inappropriately (using unreasonable force).

There are several factors that can lead to unreasonable fear, some physical and some social. The following chart lists some types of fear.

Physical Source of Unreasonable Fear	Social Source of Unreasonable Fear
<ul style="list-style-type: none">• Personal physical harm• Phobias (e.g., claustrophobia)• Psychological (i.e., paranoia)	<ul style="list-style-type: none">• Racial, cultural, or religious-based• Responsibility for making critical decisions• Peer disapproval

Continued on next page

Self Control, Continued

Managing fear

It is normal for peace officers to experience fear whenever they encounter a potentially dangerous situation.

Discussing fears with others is one step toward managing fear. In addition, going through the mental rehearsal before an incident takes place (“what ifs”) as well as after-action assessments (“what could I have done differently”) will better prepare the officer in dealing with fear.

Other methods for managing fear include focusing on:

- what must be done and not solely on the danger itself
 - evaluating the situation and determining what must be done to achieve the goal
 - the survival phase in order to control the feeling of vulnerability
-

Continued on next page

Self Control, Continued

Definition of anger

Anger is a feeling of displeasure from perceived injury, mistreatment, or opposition, to one's self or to another person. When anger is inappropriate or out of control (i.e., rage), it becomes a liability.

Recognizing anger

Peace officers often act as if they should not have angry reactions to things they see or experience during the performance of their duties. Denying or suppressing anger for long periods may create emotional and physical problems.

Acceptable anger

To a certain extent, anger allows officers to be assertive. It even plays a small role in command presence.

Peace officers have reported that anger appropriately channeled has enabled them to keep fighting, or at least keep trying, during a crisis situation.

The emotional response of anger can either aid or hinder an officers' performance.

Identifying situations causing anger

It is important for peace officers to acknowledge and recognize that anger is a normal reaction. There are two types of situations that can provoke anger, as explained in the following chart.

Types	Anger-Provoking Situation
Universal	Being attacked or shot at
Personal	<ul style="list-style-type: none">• Individual sensitivities that may prompt a reaction (e.g., history, personality, etc.)• Emotional bruises and other sources of personal vulnerability

Continued on next page

Self Control, Continued

Managing anger

Few people can exercise effective emotional control when they are extremely angry. To avoid getting to this point, peace officers need to prepare themselves for dealing with anger. Some of these methods are listed in the following chart.

Managing anger by...	The peace officer needs to...
depersonalizing what people say or do.	recognize that the subject is reacting to the uniform and not to the person in the uniform.
identifying anger inducing scenarios.	visualize anger inducing situations (e.g., a child taking drugs, subject beating up partner, etc.).
developing problem-solving solutions.	practice mental rehearsals of different scenarios, do some role-playing, seek advice from more experienced officers, etc.
recognizing the onset.	control breathing, if appropriate take a step back from the situation.

Continued on next page

Self Control, Continued

Examples

Example:

Two peace officers made a vehicle stop after the driver ran a stop sign. As the driver came to a stop, one officer indicated to his partner that he thought he recognized the driver from his time in high school. As this officer made the initial contact, his partner noticed he remained polite, but his voice was more formal. As he returned to the patrol vehicle with the man's driver's license, he confided to his partner that this man had started the officer's own brother on a drug habit. The officer then delivered the citation in a matter-of-fact manner with no spare commentary. Talking it out for even a few minutes while the record check was done allowed the officer to control personal anger, some of which he had already directed, appropriately, into increased formality.

Role of Initial and Ongoing Training

[20.05.EO5]

Introduction

Proper training and practice are keys to dealing effectively with dangerous situations. They help develop confidence, promote a trained response, and enhance mental alertness and concentration as well as develop emotional control.

Response vs. reaction

Through continual training, officers can learn to discipline the mind to remain calm, flexible, and alert at all times and, to reduce reaction time.

<i>Trained responses...</i>	<i>Reactions may be...</i>
<ul style="list-style-type: none">• are less predictable to the subject than instinctual reaction.• are correctable.• are flexible (can be adjusted and customized).• can lead to increased self-control.	<ul style="list-style-type: none">• more predictable to the subject.• limited.• improper.• dangerous to the officer or others.

Continued on next page

Role of Initial and Ongoing Training, Continued

Training and practice

Training and practice in both physical and emotional skills provide the understanding and manipulative ability needed by a peace officer in the use of force in potentially dangerous situations.

The following chart highlights what an officer gains from training and what may happen without it:

Training and practice can help attain...	Lack of and inadequate practice may result in...
confidence in an officer's abilities. Officers gain essential confidence in themselves to respond appropriately and apply the use of force effectively to gain control of subjects and situations.	lack of confidence. Lack of confidence can seriously affect officers ability to control their own physical and emotional instinctive reactions.
correct responses. The ability to make split-second decisions may mean the difference between life and death. Officers must be prepared at all times to respond quickly and effectively to any potential threat.	incorrect reactions. Not being able to respond correctly may cause an officer to overreact or under react. This can cost the officer's life or the lives of innocent people.

Continued on next page

Role of Initial and Ongoing Training, Continued

Training and practice (continued)	Training and practice can help attain...	Lack of and inadequate practice may result in...
	<p>mental alertness and concentration.</p> <p>By staying alert and able to concentrate under all types of conditions, officers will be able to keep their minds on the situation and maintain awareness.</p>	<p>panic.</p> <p>Panic is the total and absolute loss of control. Panic in crisis situations will render officers incapable of applying the correct and necessary defensive action for the situation.</p>
	<p>control over body and emotions.</p> <p>Control of emotions will enhance an officer's mental as well as physical ability to act properly. Physical control will increase an officer's self-confidence and help further develop emotional control.</p>	<p>loss of control over body and emotions.</p> <p>When officers lose control of themselves they may lose control of the situation.</p>

NOTE: Without proper, adequate, and continual training, physical skills deteriorate.

Officer responsibility

Training and ongoing practice are a personal and agency responsibility. Officers must seek training and maintain their level of skill throughout their entire career.

Chapter Synopsis

Learning need Peace officers must be ready to and capable of safely taking control of a dangerous situation.

Factors that affect an officer's responses Two major emotional factors that officers need to focus on during their training:

[20.05.EO1]

- fear, an emotional response to a perceived threat
 - reasonable
 - unreasonable
 - anger, a feeling of displeasure from perceived opposition
 - indecision
 - hesitation
-

Techniques for managing anger
[20.05.EO4]

Few people can exercise effective emotional control when their anger is near the top of the scale. To avoid getting to this point, peace officers need to prepare themselves for dealing with anger-inducing events.

Ongoing training in preparation to use force
[20.05.EO5]

Training and practice in both physical and emotional skills provides the understanding and manipulative ability needed by a peace officer in the use of force in dangerous situations.

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

5. From an emotional and mental standpoint, why is it important for officers to engage in ongoing training and practice of their skills? How could lack of training affect fear and anger responses in a peace officer?

Chapter 6

Consequences of Unreasonable Force

Overview

Learning need Peace officers must recognize the consequences of using unreasonable force, and their legal and ethical responsibilities to intervene if the force being used by another peace officer is inappropriate or unlawful.

Learning objective The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to:	E.O. Code
<ul style="list-style-type: none">• explain the legal and administrative consequences associated with the use of unreasonable force	20.06.EO4
<ul style="list-style-type: none">• explain an <i>agency's</i> potential liability associated with the use of unreasonable force	20.06.EO5
<ul style="list-style-type: none">• explain the consequences of an officer's failure to intervene when unreasonable force is used by another peace officer	20.06.EO6
<ul style="list-style-type: none">• discuss immediate and delayed intervention techniques.	20.06.EO7
<ul style="list-style-type: none">• discuss factors that may inhibit a peace officer from intervening in a situation where a fellow officer may be applying unreasonable force	20.06.EO8

Continued on next page

Overview, Continued

In this chapter This chapter focuses on the consequences of unreasonable force. Refer to the chart below for specific topics.

Topic	See Page
Peace Officer and Agency Liability	6-3
Basis for Intervention	6-7
Intervention Techniques	6-10
Factors Affecting Intervention	6-14
Chapter Synopsis	6-16
Workbook Learning Activities	6-17

Peace Officer and Agency Liability

[20.06.EO4, 20.06.EO5]

Introduction

Society imposes a tremendous burden upon peace officers when it grants, by statute, permission to use deadly force.

Reasonable force

Peace officers who make or attempt to make an arrest need not retreat or desist from their efforts because of resistance or threatened resistance from the person being arrested. They are not considered the aggressor nor do they lose the right of self-defense when they use force to:

- effect an arrest
- prevent escape
- overcome resistance

Justification for the use of force is limited to what is known or perceived by the officer *at the time*. Facts discovered after the event, no matter how compelling, cannot be considered in determining whether the force was justified or not.

Objective of force application

The objective for the use of force by peace officers in any situation is to gain or maintain **control of an individual and the situation**. As conditions change, officers must constantly reevaluate force options.

Peace officers are required to:

- use force only when authorized to do so (e.g., to overcome resistance to a lawful process)
 - use the type of force which is reasonable under the circumstances
 - use reasonable force to overcome resistance and to gain or maintain control
 - use the amount and type of force which is permitted by agency policy
-

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Peace Officer and Agency Liability, Continued

Unreasonable force

Unreasonable force occurs when the type, degree, and duration of force employed was not necessary or appropriate.

Consequences of unreasonable force

Malicious assaults and batteries committed by peace officers constitute unlawful conduct. When the force used is unreasonable, the officer can face criminal and civil liability, and agency disciplinary action.

The following chart highlights a number of these consequences:

Consequence	Officers may...
Criminal action	face criminal charges for unreasonable use of authority or force.
Civil lawsuits	face compensatory and punitive damages.
Civil rights violation	be held accountable for civil rights violations.
Administrative or agency action	be subject to disciplinary actions including dismissal.
Moral impact	suffer the consequences of guilt and embarrassment.

Continued on next page

Peace Officer and Agency Liability, Continued

**California
statutes
regarding
officer
behavior**

In the *Penal Code Section 149*, there are a number of statutes that regulate the behavior of peace officers.

The following chart lists some of these statutes:

Description	<i>Penal Code Section</i>
Every officer who is guilty of willful inhumanity or oppression toward any prisoner under his care is punishable by a fine not exceeding four thousand dollars (\$4,000) and by removal from office.	<i>147</i>
Every public officer who, under color of authority and without lawful necessity, assaults or beats any person, is punishable by a fine not exceeding ten thousand dollars (\$10,000) or by an imprisonment in the State prison or in a county jail not exceeding one year or by both fine and imprisonment.	<i>149</i>
A public officer's removal for neglect or violation of official duty; discretion of the court.	<i>661</i>
It shall be unlawful to aid, abet, attempt, or apply cruel, corporal, or unusual punishments in reformatories, institutions, jails, state hospitals, or any other state, county, or city institution.	<i>673</i>

Continued on next page

Peace Officer and Agency Liability, Continued

Federal law regarding officer behavior

There are two sections of the United States Code that address an officer's unlawful action:

Description	U.S. Code Section
Peace officers are prohibited from depriving citizens of their rights under the color of the law. If death results, officers may be punished by life imprisonment.	<i>Title 18, Section 242 (Criminal)</i>
Peace officers are prohibited from depriving citizens of their rights under the color of authority.	<i>Title 42, Section 1983 (Civil)</i>

Vicarious liability

The unreasonable use of force by an officer can discredit and result in loss of public support to an officer's agency.

Vicarious liability holds an agency responsible for the conduct of its officers while acting within the scope of their authority. The agency can be:

- liable under Federal civil rights laws
- sued for negligent or inadequate training or failure to supervise adequately

Example: An officer uses unreasonable force by applying a Carotid Restraint Control Hold and has not been trained in this type of control hold.

Failure to Intervene

[20.06.E06]

Introduction

The community expects that its peace officers will use reasonable force, and peace officers will intervene if reasonable force is exceeded. For the community and the officer's protection, the officer must know the laws pertaining to intervention.

This intervention may take the form of one or more of the following actions:

- strongly caution the other officer
 - physically restrain the other officer
 - immediately report the incident
-

Definition

Intervention is the act of attempting to prevent or attempting to stop the inappropriate or unlawful behavior of another.

An officer may face both criminal or civil liability and disciplinary action if they fail to intervene and prevent other officers from violating anyone's constitutional rights if they had reason to know and an opportunity to act. *US v Koon*, 34F. 3d 1416at 1447 (9th Cir., 1994); *Cunningham v Gates*, 229F.3d 1271 at 1289-1290 (9th Cir., 2000)

Continued on next page

Failure to Intervene, Continued

Necessity for intervention

Intervention is necessary because:

- it is required by law
 - it is morally and ethically correct
 - personal integrity demands it
 - it enhances officer safety
 - it preserves professionalism and supports the law enforcement mission
 - it strengthens public confidence in the law enforcement profession and the individual agency involved
 - it reduces personal and agency liability because it results in fewer:
 - physical injuries arising from unreasonable force
 - disciplinary actions and personal complaints
 - criminal complaints filed against officers
 - civil liability suits, including fewer punitive financial judgments against individual officers
-

Fourth amendment protections

The United States Constitution protects individuals from unlawful actions of peace officers.

NOTE: The officer who fails to intervene, for whatever reason, is also held accountable by the United States Code.

Continued on next page

Failure to Intervene, Continued

Lawful resistance

Although *Penal Code Section 834(a)* states that the person being arrested must submit to an arrest, if unlawful or unreasonable force is used to effect the arrest, the person being arrested may lawfully resist to overcome that force.

The following chart lists the applicable penal code sections:

Description	<i>Penal Code Section</i>
Lawful resistance to the commission of a public offense may be made by the party about to be injured or by other parties.	692
Resistance sufficient to prevent the offense may be made by the party about to be injured to prevent an offense against his person, or his family or some member thereof. To prevent an illegal attempt by force to take or injure property in his lawful possession.	693
Any other person, in aid or defense of the person about to be injured, may make resistance sufficient to prevent the offense.	694

Intervention Techniques

[20.06.E07]

Introduction

Intervention may involve the application of techniques for restoring or maintaining professional control. In some situations it may be necessary to intervene immediately. In others, it may be desirable to utilize an intervention strategy after the fact.

Immediate intervention

During a high-stress situation such as making an arrest, peace officers may experience emotional reactions towards the subject. As a result, they may use unreasonable force without realizing what they are doing. At this point it is imperative that a fellow officer intervene immediately to diffuse the situation.

There are three common immediate intervention techniques listed in the following chart:

Intervention Technique	Example	
	Situation	Solution
Verbal	Peace officer is becoming agitated, angry, or appears to be losing professional objectivity during a contact.	Fellow officer offers to assist by saying, "Let me take care of this one, okay?"
Physical/touch	Peace officer is engaged in a heated verbal confrontation with a subject and is starting to become increasingly agitated.	Fellow officer lightly touches the peace officer on the shoulder and offers a tactful reminder to calm down or offers to take over.
Restraint	Peace officer is using unlawful or unreasonable physical force.	Fellow officer physically takes hold of the other officer in order to separate the peace officer from the subject. Intervention must include immediate reporting.

Continued on next page

Intervention Techniques, Continued

Delayed intervention

In situations that have already taken place, it may be necessary to implement a delayed intervention technique. This can be valuable in improving the professional quality of future contacts.

There are three common delayed intervention techniques, listed in the following chart:

Intervention Technique	Example	
	Situation	Solution
Discussion	Peace officer is verbally condescending to someone.	Fellow officer discusses the improprieties of such behavior; this is professionally beneficial.
Admonishment	Peace officer uses inappropriate or demeaning language in contacts with the public.	Fellow officer informs peace officer that this type of behavior is not acceptable, and could likely provoke or escalate the conflict.
Training	Peace officer is having consistent difficulty during contacts with a certain group.	Fellow officer suggests that additional training be pursued. Effective training occurs when an officer consistently demonstrates desirable behaviors.

Duty to report

When unreasonable force is used on a person justifiably or unjustifiably arrested, it is a constitutional violation by the officer who had reasonable opportunity to intervene and did not.

Continued on next page

Intervention Techniques, Continued

Examples

Situation	Subject's/Victim's Action(s)	Type of Intervention
<p>Officers Jones and Smith worked a two-person DUI unit. They stopped a driver for suspicion of DUI.</p>	<p>The driver failed the FST's and was told he would be arrested. The driver was compliant but did not wish to be cuffed.</p>	<p>Immediate intervention: Officer Jones saw that Officer Smith was moving into position to apply a carotid restraint. Officer Jones felt a control hold was safer and more reasonable. Officer Jones applied a front wrist lock on the driver and received immediate compliance. Officer Jones moved into a cuffing maneuver and quickly cuffed the driver.</p>
		<p>Delayed intervention: Officer Smith immediately struck the driver with her impact weapon. The driver was later booked without incident. Officer Jones later discussed with Officer Smith the entire incident. Officer Jones asked Officer Smith why she hit the driver with her impact weapon instead of using a control hold. Officer Smith stated that other options were overlooked. Officer Jones then reported the incident to the supervisor.</p>

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Intervention Techniques, Continued

Examples
(continued)

Situation	Subject's/Victim's Action(s)	Type of Intervention
<p>Officers respond to a call about a suspected burglary at a residence.</p>	<p>While investigating the burglary report call, the victim begins to verbally chastise the officers for taking too much time to respond. While listening to this, the officers see a man run out of the back of the house; the officers give chase.</p>	<p>Immediate intervention: Upon catching the subject, Officer Wong knocks the subject to the ground; the subject went limp and was lying in a fetal position. Officer Kwan arrived as Officer Wong was about to kick the subject. Officer Kwan stepped between Officer Wong and the subject preventing Wong from kicking the subject.</p>
		<p>Delayed intervention: Upon catching the subject, Officer Wong knocks the subject to the ground; the subject went limp and was lying in a fetal position. As Officer Kwan arrived, she saw Officer Wong kick the prisoner two times then assisted with handcuffing. Later Officer Kwan reported the incident to the supervisor.</p>

Factors Affecting Intervention

[20.06.EO8]

Introduction

Although peace officers are legally and ethically required to intervene when they observe inappropriate behavior by a fellow officer, personal and psychological reasons may prevent them from intervening.

Factors to intervening

Peace officers may fail to take action when a fellow officer is behaving inappropriately because of several factors. The following chart lists both the personal and psychological factors that may prevent intervention; however, these are not the only factors.

Officers might not intervene because of...	They might think...
transfer of responsibility.	“Somebody else will step in any minute now.”
rationalization.	“Nobody else is doing anything so maybe I am just misunderstanding the situation and nothing is really wrong.”
self doubt.	“What if I’m wrong? What will everyone think of me if I step in and do something?”

Continued on next page

Factors Affecting Intervention, Continued

**Personal/
psychological
factors**

Personal Factors	Psychological Factors
<ul style="list-style-type: none"> • Unfamiliar with fellow officer • Inexperience with proper action to remedy the situation • Feeling that intervention is someone else's responsibility • Peer pressure • Personal problems • Fearing consequences, such as being ostracized • Fear of reaction from senior officers, field training officers, or supervisors 	<ul style="list-style-type: none"> • Erroneous notion of how peace officers should behave (perhaps from movies and television) • Fear may play a significant part in the behavior of the observing officer

**Consequence
of not
intervening**

Peace officers are encouraged to use their own judgement and to trust their “gut” instinct (i.e., common sense). If one’s instinct indicates that a situation is wrong, then it is important not to second guess themselves based upon the behavior of others in the area. Officers could suffer one of the following if they don’t intervene:

- increased stress
 - embarrassment
 - civil/criminal action
 - disciplinary action
 - loss of career
-

Chapter Synopsis

Learning need Peace officers must recognize the consequences of using unreasonable force, and their legal and ethical responsibilities to intervene if the force being used by another peace officer is inappropriate or unlawful.

Peace officer liability [20.06.EO4] Justification for the use of force is limited to what is known or perceived by the officer *at the time*. Facts discovered after the event, no matter how compelling, cannot be considered in determining whether the force was justified or not.

Agency liability [20.06.EO5] The vicarious liability holds an agency responsible for the conduct of its officers while acting within the scope of their authority.

Failure to intervene [20.06.EO6] Peace officers are required by their position to intervene in any force situation they perceive as excessive. This intervention may take the form of one or more actions.

Intervention techniques [20.06.EO7] The three common immediate intervention techniques are: verbal, physical/touch and restraint.

The three common delayed intervention techniques are: discussion, admonishment and training.

Inhibitions to intervene [20.06.EO8] Peace officers may fail to take action when an officer is behaving inappropriately. There are personal and psychological factors that may prevent an officer from intervening in inappropriate behavior.

Workbook Learning Activities

Introduction

To help you review and apply the material covered in this chapter, a selection of learning activities has been included. No answers are provided. However, by referring to the appropriate text, you should be able to prepare a response.

Activity questions

1. Consider your current best friend and then picture that person as a fellow peace officer and partner. Assume you and your partner make a series of routine traffic stops over the course of the day in a largely Hispanic area of town. After several stops you've noticed your partner's demeanor when dealing with Hispanics is less professional than when dealing with other cultures. In fact, your partner is making many derogatory comments about Hispanic subjects, generally directed to you and out of their earshot. At this point you have made no attempt to intervene to address his inappropriate remarks. As the day continues, your partner has now become directly verbally abusive of any Hispanic subject, and still, you have not intervened. When the next person stopped is a Hispanic woman, what intervention might you attempt? What sort of delayed intervention might help your partner retain professionalism and respect? Given your personal relationship, what difficulties or advantages might be involved with intervening?

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

2. In effecting an arrest for possession with intent to sell methamphetamine, the experienced officer is acting as the contact officer and the newer officer as cover. The subject passively resists the contact officer's command by looking away and actively resists the officer's attempts to remove his hands from his pockets by locking his elbows. Aggravated, the contact officer uses a Carotid Restraint Control Hold. The cover officer takes no action. The contact officer incorrectly applies the hold and the subject dies. How could the cover officer have intervened to prevent this situation? What might have prevented her from making this intervention? At this point, who may be considered legally liable for the death of the subject?

Continued on next page

Workbook Learning Activities, Continued

Activity questions (continued)

3. Peace officers arrive on the scene where a group of protestors are blocking the entrance to a local business. When the female officer directs the group to move away from the entrance to allow patrons to enter, a male protestor replies, “Yea, what you going to do about it, honey?” At this remark, the officer strikes the man in the abdomen with her baton, knocking him back against the building. Has the officer used unreasonable force at this point? Explain your answer.

If the force used is deemed unreasonable by the officer’s agency, what consequences could she suffer? If the man who was struck chooses to pursue legal action, what impact might this have on the officer and the agency? If you were a witness to this scene, how might it affect your views of peace officers as public servants and resources?

4. If, after recovering from the baton blow, the man in the previous scenario pulled out a knife and threatened the officer, how would it affect the officer’s original liability? Explain your response.

Continued on next page

Workbook Learning Activities, Continued

Student notes

Glossary

Introduction **The following glossary terms apply only to Learning Domain 20: Use of Force.**

anger A feeling of displeasure from perceived injury, mistreatment, or opposition, to ones self or to another person

control As it relates to defensive tactics, means maintaining composure to make sound judgments and decisions

deadly force A force likely to cause death or serious bodily injury

fear A normal emotional response to a perceived threat (real or unreal)

force options Choices available to a peace officer in each agency's policy to overcome resistance, effect arrest, prevent escape, or gain control of the situation

imminent danger A significant threat which persons reasonably believe will result in death or serious bodily injury to themselves or to other persons

intervention The act of preventing or stopping the inappropriate or unlawful behavior of another *US v Koon*, 34F.3d 1416 at 1447 (9th Cir., 1994)

Continued on next page

Glossary, Continued

objectively reasonable The court noted that determining the objective reasonableness for the use of force must be fact specific (*Graham v Connor*, 490 us. 386, 109 S ct. 1865) (1989)

panic The total loss of emotional and physical self-control. A sudden, unreasoning, hysterical fear of events that led up to the encounter with the subject

precursory acts Events that led up to the encounter with the subject, including how the officer arrived at the scene as well as what observations helped the officer assess the situation

reasonable force Is a term for how much and what kind of force a peace officer may use in a given circumstance

reasonable necessity Delay in apprehension would create substantial and unreasonable risk to officers or others possibly resulting in serious physical injury or death

reasonable officer Would another officer with like or similar training and experience, facing like or similar circumstances, act in the same way or use similar judgement? (*Graham v. Connor*, 490 U.S. 386, 109 S. Ct. 186) (1989)

Continued on next page

Glossary, Continued

self-control

Maintaining composure to make sound judgements and decisions

**serious
bodily
harm or
injury**

A serious impairment of physical condition, including, but not limited to, the following: loss of consciousness, concussion, bone fracture, protracted loss or impairment of function of any bodily member or organ, a wound requiring extensive suturing, and serious disfigurement (*Penal Code Section 243(f)(4)*)

**unreasonable
force**

The type, degree, and duration of force employed was not necessary or appropriate

Basic Course Workbook Series Student Materials

**Learning Domain 22
Vehicle Pullovers
Version 3.1**

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Version 3.1**

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THE ACADEMY TRAINING MISSION

The primary mission of basic training is to prepare students mentally, morally, and physically to advance into a field training program, assume the responsibilities, and execute the duties of a peace officer in society.

FOREWORD

The California Commission on Peace Officer Standards and Training sincerely appreciates the efforts of the many curriculum consultants, academy instructors, directors and coordinators who contributed to the development of this workbook. The Commission extends its thanks to California law enforcement agency executives who offered personnel to participate in the development of these training materials.

This student workbook is part of the POST Basic Course Training System. The workbook component of this system provides a self-study document for every learning domain in the Basic Course. Each workbook is intended to be a supplement to, not a substitute for, classroom instruction. The objective of the system is to improve academy student learning and information retention.

The content of each workbook is organized into sequenced learning modules to meet requirements as prescribed both by California law and the POST Training and Testing Specifications for the Basic Course.

It is our hope that the collective wisdom and experience of all who contributed to this workbook will help you, the student, to successfully complete the Basic Course and to enjoy a safe and rewarding career as a peace officer serving the communities of California.

A handwritten signature in black ink, appearing to read 'Paul Cappitelli', with a stylized flourish at the end.

PAUL CAPPITELLI
Executive Director

LD 22: Vehicle Pullovers

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Preface

Introduction

Student workbooks

The student workbooks are part of the POST Basic Course Instructional System. This system is designed to provide students with a self-study document to be used in preparation for classroom training.

Regular Basic Course training requirement

Completion of the Regular Basic Course is required, prior to exercising peace officer powers, as recognized in the California Penal Code and where the POST-required standard is the POST Regular Basic Course.

Student workbook elements

The following elements are included in each workbook:

- chapter contents, including a synopsis of key points,
 - supplementary material, and
 - a glossary of terms used in this workbook.
-

How to Use the Student Workbook

Introduction

This workbook provides an introduction to the training requirements for this Learning Domain. It is intended to be used in several ways: for initial learning prior to classroom attendance, for test preparation, and for remedial training.

Workbook format

To use the workbook most effectively, follow the steps listed below.

Step	Action
1	Begin by reading the: Preface and How to Use the Workbook, which provide an overview of how the workbook fits into the POST Instructional System and how it should be used.
2	Refer to the Chapter Synopsis section at the end of each chapter to review the key points that support the chapter objectives.
3	Read the text.
4	Complete the Workbook Learning Activities at the end of each chapter. These activities reinforce the material taught in the chapter.
5	Refer to the Glossary for a definition of important terms. The terms appear throughout the text and are bolded and underlined the first time they appear (e.g., <u>term</u>).

Chapter 1

Introduction to Vehicle Pullovers

Overview

Learning need Peace officers must recognize the inherent risks involved when conducting a vehicle pullover in order to take the appropriate precautions necessary to ensure their own safety as well as the safety of others.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to...	E.O. Code
<ul style="list-style-type: none">• describe the three basic categories of vehicle pullovers, to include:<ul style="list-style-type: none">- traffic enforcement pullover,- investigative pullover,- high-risk pullover.	22.01.EO1 22.01.EO2 22.01.EO3
<ul style="list-style-type: none">• describe the inherent risks to officer safety that are associated with conducting a vehicle pullover.	22.01.EO4
<ul style="list-style-type: none">• demonstrate appropriate actions officers can take to maintain their own safety and the safety of others while conducting a vehicle pullover.	22.01.EO5

Continued on next page

Overview, Continued

In this chapter This chapter focuses on basic safety considerations associated with vehicle pullovers. Refer to the chart below for specific topics.

Topic	See Page
Categories of Vehicle Pullovers	1-3
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Categories of Vehicle Pullovers

[22.01.EO1, 22.01.EO2, 22.01.EO3]

Introduction

Conducting vehicle pullovers is one of the most frequent duties that a patrol officer will perform. Peace officers conduct vehicle pullovers for a wide variety of reasons ranging from issuing a citation for an equipment violation to apprehending an armed and dangerous felon. It is not unusual for a patrol officer to stop at least one car per shift, if not more.

Ethics

Stereotyping or deciding how to conduct a vehicle stop based on the appearance of the passengers or the vehicle is bad for the community, bad for the officer, and against the law. Every traffic stop must be based on a standard of reasonable suspicion or probable cause consistent with the Fourth Amendment of the United States Constitution. Also, every stop must meet the “equal protection of the laws” standard established by the Fourteenth Amendment of the United States Constitution. That is, race, ethnicity, or national origin may not be considered in any fashion or to any degree by law enforcement, except when officers are looking for specific suspects identified in part by those criteria.

Levels of risk

Conducting a vehicle pullover can be one of the most dangerous duties a patrol officer can perform. Violent acts that have taken place during a vehicle pullover are among the leading causes of officer injuries and death.

Continued on next page

Categories of Vehicle Pullovers, Continued

Levels of risk
(continued)

A key consideration when preparing to make a vehicle pullover is the amount of risk perceived by the patrol officer. All vehicle pullovers will fall into one of the two risk levels noted in the following table.

Perceived Level of Risk	Vehicle pullovers that generally involve...	Examples
Unknown risk	<ul style="list-style-type: none"> • traffic or equipment violations, • suspicious activity, • a citizen request, or • certain misdemeanors. 	<ul style="list-style-type: none"> • Stopping a vehicle to notify the owner of a broken tail light • Pulling over a suspicious vehicle that is cruising in a deserted business area late at night
High-risk	<ul style="list-style-type: none"> • felony violations, • serious misdemeanors, • vehicles that match a description given during a crime broadcast, or • stolen vehicles (often used in other serious crimes). 	<ul style="list-style-type: none"> • Stopping a vehicle that matches one used in a drive by shooting • Pulling over a vehicle that has just been involved in a serious traffic accident and failed to stop

NOTE: Individual agency policies may differ regarding which types of crimes would be considered “high-risk.”

Continued on next page

Categories of Vehicle Pullovers, Continued

Risk assessment

As a general rule, **risk assessment** refers to the level of anticipated risk involved with any vehicle pullover based on the officer's perception of danger due to a suspect's conduct, or advance knowledge. This knowledge may come from sources such as, but not limited to:

- that officer's personal observations,
 - information from dispatch,
 - information obtained by running the vehicle's license plate,
 - number of occupants in the vehicle,
 - availability of assistance/back up units, or
 - other means the officer may reasonably rely upon, e.g., crime broadcasts, criminal information bulletins, hot sheets, attempts to locate (ATLs), personal crime notes.
-

Categories of vehicle pullovers

Vehicle pullovers can also be generally divided into three basic categories based on the degree of risk anticipated.

- Traffic enforcement pullovers
- Investigative pullovers
- High-risk pullovers

NOTE: Individual departments may describe the types of vehicle pullovers differently. Some agencies may use terms such as "car stop," "traffic stop" or "vehicle stop" interchangeably with the term "vehicle pullover."

Continued on next page

Categories of Vehicle Pullovers, Continued

Category descriptions

The following table identifies a number of general conditions for conducting each category of pullover.

	are generally made because a patrol officer has...	Examples
Traffic enforcement pullovers...	<ul style="list-style-type: none"> • reason to believe the driver has committed a traffic infraction. • no objective reason to believe that the vehicle's occupants represent an unusual risk. • an expectation that the pullover would result in a citation. 	<ul style="list-style-type: none"> • Pulling over a vehicle after witnessing the driver's failure to stop at a stop sign
Investigative pullovers...	<ul style="list-style-type: none"> • an expectation that the pullover involves less risk than a "high-risk" pullover, but more than a traffic enforcement pullover. • reason to believe that one or more of the vehicle's occupants has engaged, or is about to engage, in criminal activity. • an expectation that the pullover would involve an investigation that might lead to a custodial arrest for a violation of the Vehicle Code, the Penal Code or other statute. 	<ul style="list-style-type: none"> • Officer suspects driver is drunk. • Officer observes occupants smoking marijuana. • Officer observes black out vehicle in a high crime area at night.

Continued on next page

Categories of Vehicle Pullovers, Continued

Category descriptions
(continued)

	are generally made because a patrol officer has...	Examples
High-risk pullovers...	<ul style="list-style-type: none"> • reason to believe that one or more of the occupants of the car may be: <ul style="list-style-type: none"> - armed, - represent a serious threat to the officer, or - have committed a felony. 	<ul style="list-style-type: none"> • Occupants involved in a drive-by shooting • Occupant in possession of a firearm

Changing nature of pullover

A patrol officer may make observations that would cause a traffic enforcement or investigative pullover to escalate to the level of a high-risk pullover. The patrol officer's observations may also make de-escalation appropriate.

Example: During a traffic stop for a car with a missing taillight, a patrol officer noticed several empty beer cans on the floor of the car. The officer now has reason to believe the driver may have been drinking alcohol while driving. The traffic pullover has now escalated to an investigative pullover.

Example: A patrol officer stopped a car for running a stop sign. As the officer approached the driver, the officer observed what appeared to be a semi-automatic weapon on the front passenger seat of the car. Because the officer now has reason to believe the driver may be armed, what began as a traffic pullover has escalated from a traffic stop to a high-risk pullover. The officer will take added safety precautions in approaching the vehicle.

Officer Safety While Conducting a Vehicle Pullover

[22.01.EO4, 22.01.EO5]

Introduction

Conducting vehicle pullovers can be one of the most dangerous duties a peace officer performs. Violence related to vehicle pullovers is among the leading causes of peace officer injuries and deaths.

Officer safety

Officer safety refers to the practical application of tactically sound procedures in conducting all categories of vehicle pullovers. Specifically, officer safety involves:

- developing a plan of action prior to initiating the pullover,
- requesting and using backup assistance when necessary,
- appropriately using communication/notification resources, and
- applying safe and sound tactics when:
 - initiating the pullover,
 - approaching the vehicle, and
 - making contact with the vehicle occupants.

NOTE: Because of the frequency of vehicle pullovers, peace officers can come to regard such tasks as “routine.” Such complacency compromises officer safety by causing officers to ignore danger signs during vehicle pullovers.

Peace officers should handle all vehicle pullovers with caution and always keep in mind that ***no vehicle pullover is “routine.”***

Continued on next page

Officer Safety While Conducting a Vehicle Pullover,

Continued

Inherent safety hazards

Statistical analysis has shown that vehicle pullovers are the third most dangerous law enforcement activity a patrol officer can encounter. (*California Law Enforcement Officers Killed and Assaulted in the Line of Duty*, 2001)

Safety hazards that may be inherent with vehicle pullovers include, but are not limited to:

- unpredictable aggressive actions by the violator/suspect or bystanders,
- unknown identity of the violator/suspect, (e.g., dangerous felon wanted for a crime not associated with the traffic stop)
- dangerous environmental conditions, (e.g., fog, ice, bright sunshine, etc.)
- varying road conditions, (e.g., multiple lane traffic, narrow or no shoulders, etc.) or
- the existence of other vehicular traffic on the same roadway.

Jeopardizing officer safety

Patrol officers who fail to recognize the inherent dangers of conducting a vehicle pullover may ignore danger signs and fail to take appropriate precautions.

Continued on next page

Officer Safety While Conducting a Vehicle Pullover,

Continued

Fatal errors

Experience has shown that there are a number of common errors that officers can make while conducting a vehicle pullover. Committing any one can place an officer’s safety in jeopardy.

The following table identifies the most common errors made by officers that place them at risk during vehicle pullovers.

Error	Example
<p>“Tombstone Courage”</p> <ul style="list-style-type: none"> • Overly anxious to show courage • Trying to handle dangerous situations beyond officer’s ability or experience • Failure to call for back-up when necessary 	<p>A patrol officer stopped a car for speeding on a city street. After pulling the car over and before exiting the patrol car, the officer noticed the car contained five occupants who were dressed like members of a local gang. Instead of calling for assistance and waiting for the backup unit to arrive, the officer decided to handle the pullover alone. As the officer approached the car, the driver pulled out a hand gun and shot the officer.</p>
<p>Poor positioning</p> <ul style="list-style-type: none"> • Failure to exercise caution in positioning of officer and/or patrol vehicle • Rushing into a situation without planning the pullover 	<p>During an investigative pullover, a patrol officer interviewed the driver while both the officer and the driver were standing behind the target vehicle. The officer began to search the trunk of the target vehicle while the driver stood near. While the officer was searching the trunk, the driver and one occupant of the car attacked the officer, took the officer’s weapon and fled. The officer allowed the suspect to get too close and should not have conducted a vehicle search alone.</p>

Continued on next page

Officer Safety While Conducting a Vehicle Pullover,

Continued

Fatal errors
(continued)

Error	Example
<p>Physical and mental fatigue</p> <ul style="list-style-type: none"> • Failure to get adequate rest • Attention and reflexes are compromised. 	<p>An officer, who had been working a great deal of overtime, was assigned to a DUI checkpoint. After several hours standing on the line, the overtired officer began to conduct less thorough screenings.</p>
<p>Failure to watch a suspect's hands</p> <ul style="list-style-type: none"> • Officer misses occupant(s) reaching for a firearm or other deadly weapon, or • Officer fails to notice suspect disposing of evidence. 	<p>Officers stopped a vehicle and ordered the driver to exit the vehicle and approach the officers. As he approached, the driver dropped a small bag of drugs, unnoticed by the officers. The officers later located the drugs as they were searching the area near the car. But because they were not watching the driver's hands when this occurred, they were not able to connect the evidence to the driver.</p>
<p>Complacency</p> <ul style="list-style-type: none"> • Process becomes routine • Ignoring signs occupant(s) are an immediate threat 	<p>During a traffic enforcement pullover, the driver appeared to be very nervous and agitated. The patrol officer ignored the driver's nervousness, and after obtaining the driver's licenses and I.D., walked back to the patrol car to write the citation. As the officer walked away, the driver reached under the seat, pulled out a handgun and began shooting at the officer.</p>

Continued on next page

Officer Safety While Conducting a Vehicle Pullover,

Continued

Fatal errors
(continued)

Error	Example
<p>Bad attitude</p> <ul style="list-style-type: none"> • Treating vehicle occupant(s) disrespectfully 	<p>A patrol officer stopped a vehicle for an equipment violation. The driver was furious at being stopped and yelled, “Why don’t you go out and catch real criminals?” The officer also became angry and yelled back at the driver, threatening him with arrest. The situation escalated with the driver refusing to cooperate at all. Additional units were called and another officer managed to calm the situation and issued the citation to the driver.</p>
<p>Relaxing too soon</p> <ul style="list-style-type: none"> • Uneventful vehicle pullovers • Becoming careless 	<p>A patrol officer, near the end of an uneventful shift, stopped a car for speeding. The officer quickly obtained the driver license and I.D., returned to the patrol car and began writing the citation. The officer’s partner observed that the driver and passenger were talking animatedly and seemed to be searching on the floor of the car. The second officer approached the car on the passenger side and saw a handgun on the floor near the driver.</p>

Continued on next page

Officer Safety While Conducting a Vehicle Pullover,

Continued

Fatal errors
(continued)

Error	Example
<p>Not using available equipment properly</p> <ul style="list-style-type: none"> • Failure to cuff or use other restraints when necessary • Improperly cuffing a prisoner 	<p>Two officers arrested a suspect on a DUI and placed the suspect in the patrol vehicle. The suspect was well-known to the officers and was always docile and cooperative. The officers did not handcuff the suspect before placing him in the patrol car. While being removed from the patrol car, the suspect assaulted one of the officers, injuring him, before being subdued by both officers.</p>
<p>Failure to search or conducting a poor search</p> <ul style="list-style-type: none"> • cursory search of the occupant(s) or vehicle • Failure to locate firearms, other deadly weapons or contraband 	<p>In the previous example, the officers did handcuff the suspect but conducted only a cursory search because the officers were well-acquainted with the suspect and felt he presented no risk. After the suspect was transported to the local detention facility, the suspect was found to have a handgun in a coat pocket.</p>
<p>Inadequate communication</p> <ul style="list-style-type: none"> • Not communicating with partner and/or other units • Not establishing roles (contact, cover, etc.) 	<p>During a high-risk vehicle pullover, one officer noticed that there was a child in the target vehicle. Without telling the other officers of his intention, the officer immediately approached the target vehicle to remove the child. The officer left cover and concealment, without communicating with fellow officers, and created a danger of cross-fire.</p>

Continued on next page

Officer Safety While Conducting a Vehicle Pullover,

Continued

Fatal errors
(continued)

Error	Example
Poor weapon maintenance <ul style="list-style-type: none"><li data-bbox="461 485 850 590">• Undependable weapon resulting in injury or death to officer	An officer conducted a traffic enforcement pullover on a vehicle that ran a stop sign. The officer, observing the driver reaching for something on the front seat, immediately pulled his weapon. The driver came up with a gun and began shooting at the officer. The officer tried to return fire but the weapon failed to fire because the officer had not cleaned the sidearm after last qualifying at the firing range.

Continued on next page

Officer Safety While Conducting a Vehicle Pullover,

Continued

Officer safety guidelines

Along with general safety guidelines for officers on patrol, there are a number of guidelines that officers should be aware of relating to vehicle pullovers.

Officer Safety Guideline	Additional Information
Be aware that suspects have guns.	<ul style="list-style-type: none">• Assume the person being stopped or contacted may be armed.
Call in contacts.	<ul style="list-style-type: none">• Dispatch should be notified of all contacts including the nature and location of every stop.
Maintain a position of advantage.	<ul style="list-style-type: none">• Identify, plan, then move to a position that is advantageous.• <i>Do not abandon the location until it is safe.</i>
Consider varying vehicle approach.	<ul style="list-style-type: none">• A passenger side approach can be advantageous for officer safety in many situations.
Know location of the vehicle pullover.	<ul style="list-style-type: none">• Know the street name, cross street, and direction of travel of every pullover.

NOTE: For additional officer safety guidelines for officers on patrol assignments, refer to LD 21: *Patrol Techniques* and LD 23: *Crimes in Progress*.

Chapter Synopsis

Learning need Peace officers must recognize the inherent risks involved when conducting a vehicle pullover in order to take the appropriate precautions necessary to ensure their own safety as well as the safety of others.

Categories of vehicle pullovers The following table identifies a number of general conditions for conducting each category of pullover.

	are generally made because a patrol officer has...
Traffic Enforcement Pullovers [22.01.EO1]	<ul style="list-style-type: none">• reason to believe the driver has committed a traffic infraction.• no objective reason to believe that the vehicle’s occupants represent an unusual risk.• an expectation that the pullover would result in a citation.
Investigative Pullovers [22.01.EO2]	<ul style="list-style-type: none">• an expectation that the pullover involves less risk than a “high-risk” pullover, but more than a traffic enforcement pullover.• reason to believe that one or more of the vehicle’s occupants has engaged, or is about to engage, in criminal activity.• an expectation that the pullover would involve an investigation that might lead to a custodial arrest for a violation of the Vehicle Code, the Penal Code or other statute.
High-Risk Pullovers [22.01.EO3]	<ul style="list-style-type: none">• reason to believe that one or more of the occupants of the car may be:<ul style="list-style-type: none">- armed,- represent a serious threat to the officer, or- have committed a felony.• an expectation that the pullover could result in an arrest.

Continued on next page

Chapter Synopsis, Continued

Inherent safety hazards

[22.01.EO4]

Safety hazards that are inherent with vehicle pullovers include, but are not limited to:

- unpredictable aggressive actions by the violator/suspect or bystanders,
 - unknown identity of the violator/suspect,
 - dangerous environmental conditions,
 - varying road conditions, or
 - the existence of other vehicular traffic on the same roadway.
-

Officer safety

[22.01.EO5]

The most common error made by officers that place them at risk during pullovers may include:

- tombstone courage,
 - poor positioning,
 - physical and mental fatigue,
 - failure to watch a suspect's hands,
 - complacency,
 - bad attitude,
 - relaxing too soon,
 - not using available equipment properly,
 - failure to search or conducting a poor search,
 - inadequate communication, and
 - poor weapon maintenance.
-

Workbook Learning Activities, Continued

Student notes

Chapter 2

Basic Tactical Considerations for Vehicle Pullovers

Overview

Learning need Peace officers must understand the techniques for conducting tactically sound vehicle pullovers.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to...	E.O. Code
<ul style="list-style-type: none">• demonstrate the safety techniques when initiating a vehicle pullover, including:<ul style="list-style-type: none">- selecting an appropriate location,<ul style="list-style-type: none">- safety factors (e.g., out of flow of traffic)- visibility to passing traffic- avoidance of potentially hostile environments- lighting/illumination- possible escape routes- availability of cover and concealment.- communicating with dispatch.- getting the attention of the driver of the target vehicle,<ul style="list-style-type: none">- lights (e.g., emergency lights, headlights, spotlights)- hand gestures- horn/audible devices- siren- maintaining appropriate distance from target vehicle prior to initiating the pullover.	22.02.EO1
	22.02.EO2
	22.02.EO3

Continued on next page

Overview, Continued

Learning objectives
(continued)

After completing study of this chapter, the student will be able to...	E.O. Code
<ul style="list-style-type: none"> • demonstrate appropriate actions for the safe and tactical placement of the patrol unit. 	22.02.EO4
<ul style="list-style-type: none"> • apply appropriate procedures for exiting the patrol unit. 	22.02.EO5
<ul style="list-style-type: none"> • demonstrate appropriate safety precautions patrol officers should take when approaching a target vehicle on foot. 	22.02.EO6
<ul style="list-style-type: none"> • distinguish between the advantages and disadvantages of a driver side approach, a passenger side approach, and a non-approach to a target vehicle. 	22.02.EO7
<ul style="list-style-type: none"> • demonstrate appropriate positioning for patrol officers when making face to face contact with the driver of a target vehicle. 	22.02.EO8
<ul style="list-style-type: none"> • demonstrate the process for conducting a vehicle stop, driver contact, to include: <ul style="list-style-type: none"> - greeting, - identifying self and department, - requesting driver's license, registration, proof of insurance, - explaining the reason for the stop, - making a decision to warn, cite or arrest, and • closing, appropriate to decision. 	22.02.EO11

Continued on next page

Overview, Continued

Learning objectives
(continued)

After completing study of this chapter, the student will be able to...	E.O. Code
<ul style="list-style-type: none">demonstrate appropriate procedures and communication techniques for directing the driver and occupants out of a target vehicle.	22.02.EO9
<ul style="list-style-type: none">apply appropriate procedures for checking the validity and authenticity of a driver's license or other form of personal identification.	22.02.EO10

In this chapter

This chapter focuses on basic tactics for vehicle pullovers. Refer to the chart below for specific topics.

Topic	See Page
Planning and Initiating a Vehicle Pullover	2-4
Approaching the Target Vehicle	2-13
Making Contact with Vehicle Occupants	2-24
Chapter Synopsis	2-35
Workbook Learning Activities	2-37

Planning and Initiating a Vehicle Pullover

[22.02.EO1, 22.02.EO2 22.02.EO3]

Introduction

In many instances where patrol officers were assaulted during vehicle pullovers, the officers had failed to plan ahead and develop an action plan to help ensure officer safety and a successful outcome to the enforcement action.

Considerations in planning a pullover

The actions a patrol officer may take during a vehicle pullover may be dependent on the:

- type of offense involved,
 - level of perceived threat,
 - environmental conditions, (e.g., weather, lighting, road surface, etc.) and/or
 - type of vehicle being pulled over.
-

Justification for pullover

Patrol officers must be able to articulate, verbally and in writing, a legal reason for initiating each vehicle pullover. The following table identifies examples of lawful reasons based on the category of pullover.

Pullover Category	Examples of Lawful Justifications
Traffic pullover	<ul style="list-style-type: none">• Driver fails to come to a complete stop at a stop sign.• A vehicle's muffler is not working properly and the vehicle is violating noise standards (or any other vehicle code violation.)

Continued on next page

Planning and Initiating a Vehicle Pullover, Continued

Justification for pullover (continued)

Pullover Category	Examples of Lawful Justifications
Investigative pullover	<ul style="list-style-type: none">• A vehicle resembles one reportedly used in a crime.• A vehicle is being operated erratically.
High-risk pullover	<ul style="list-style-type: none">• Occupant of vehicle is displaying a weapon.• A vehicle is identified as one stolen during a car jacking.

NOTE: If the patrol is a two-person unit, the officer must make sure that the partner is aware of any relevant observations that impact the type of reason for the pullover. Solo beat officers should advise communication of reason for the stop.

Selecting a pullover location

Once the officer has a lawful justification for initiating a vehicle pullover, that officer should anticipate possible locations for the actual pullover to take place. The initiating patrol officer, *not* the driver of the target vehicle, should select the pullover site.

If a suitable site is not immediately available, the officer may choose to defer initiating the stop until the officer is able to identify an appropriate location.

Continued on next page

Planning and Initiating a Vehicle Pullover, Continued

Selecting a pullover location (continued)

The following table identifies a number of factors for the patrol officer's consideration.

Factor	Possible Considerations
Traffic	<ul style="list-style-type: none">• Speed of passing vehicles• Number of lanes available• Availability of adequate shoulder so flow of traffic is not disrupted
Visibility	<ul style="list-style-type: none">• Visibility of the patrol vehicle to other motorists• Amount and size of curves leading to the location of the stop (e.g., existence of blind curves)• Weather conditions (e.g., fog, rain, snow, etc.)
Illumination	<ul style="list-style-type: none">• Areas with too much or too little light• Level of distraction emergency lights will have on other motorists (e.g., flashing lights, headlamps, etc.)
Public safety	<ul style="list-style-type: none">• Initiating a high-risk pullover in an area with a greater level of risk to the public (e.g., near a school playground, near a busy intersection, in an area with heavy pedestrian traffic, etc.)

NOTE: The **target vehicle** is the vehicle that is the object of the law enforcement action.

Continued on next page

Planning and Initiating a Vehicle Pullover, Continued

Tactical safety issues

Patrol officers need to also select a location that presents the safest tactical advantages to the officers. Tactical issues that should be considered by the patrol officer include but are not limited to:

- possible escape routes for the occupants of the target vehicle.
 - possible tactical retreat routes for the officer(s).
 - availability of **cover** and **concealment**.
 - avoidance of potentially hostile environments (e.g., angry crowd, unruly groups, etc.).
 - avoidance of other interference potential (e.g., pedestrian traffic, difficulty maintaining patrol vehicle security).
-

Communication with dispatch

Prior to initiating the actual pullover, patrol officers should notify dispatch of their intended actions. Depending on the capabilities of the patrol unit and agency policy, communication may be made via radio or a Mobile Data Terminal (MDT) within the patrol vehicle, if there are two persons in the unit or circumstances allow.

Patrol officers should provide information such as:

- the anticipated location of the pullover and direction of travel.
 - a license number and vehicle description of the target vehicle.
 - the legal justification or nature of pullover (e.g., stopping a suspected DUI or stopping a stolen vehicle).
 - any other information pertinent to the pullover (e.g., information on weapons, number of occupants, etc.).
-

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Planning and Initiating a Vehicle Pullover, Continued

Communication with dispatch (continued) Officers should make sure all communications are completed before initiating the vehicle pullover.

NOTE: Other patrol units may not be aware of vehicle pullovers in the area when communication is made solely over a MDT.

NOTE: It may also be advisable for the patrol officer to write down the license number and a short vehicle description of the target vehicle before initiating the pullover. Such redundant information may be helpful if an officer assault occurs during the pullover.

Distance between vehicles

It is important to maintain a proper distance between the patrol vehicle and the target vehicle at the time the pullover is initiated.

IF the patrol vehicle is...	THEN...	The patrol vehicle should be:
<i>too far</i> from the target vehicle,	the driver of the target vehicle may be able to flee.	close enough so the officer can maintain visual contact with occupant(s) and/or their activities.
<i>too close</i> to the target vehicle,	there may be a greater potential for a rear-end collision if the driver of the target vehicle should make a sudden stop.	positioned far enough behind the target vehicle so the patrol officer can read the license plate of the target vehicle.

NOTE: For high-risk vehicle pullovers, officers should maintain a greater distance from the target vehicle, generally two to three car lengths or 20 to 30 feet.

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Planning and Initiating a Vehicle Pullover, Continued

Getting the driver's attention

Once a suitable location has been identified and the patrol unit is in the proper position, the patrol officer can activate the warning lights on the patrol vehicle in an attempt to get the attention of the driver of the target vehicle.

If the driver fails to respond to the warning lights, it may be necessary for the patrol officer to utilize one or more of the following additional methods.

- Honk the horn.
 - Alternate high and low beams (day or night).
 - Pan the spotlight, but avoid keeping it in one position which might blind the driver of the target vehicle.
 - Use appropriate hand gestures, such as waving the person to the side of the road.
 - Use the patrol vehicle's public address system to direct the driver to pull over.
 - Give a short blast of the siren.
-

Agency policy

Individual agency policies may vary regarding procedures for planning and initiating vehicle pullovers and initiating a pursuit of a noncompliant driver. Each patrol officer is responsible for knowing and complying with the policies and guidelines for that officer's agency.

Continued on next page

Planning and Initiating a Vehicle Pullover, Continued

Failure to yield

Occasionally, a patrol officer may encounter a driver who will not yield to any of the techniques previously noted. While this may be a deliberate failure to yield, officers should also consider the possibility that the driver has the radio or CD player turned at full volume or is talking on a cell phone.

Another possibility is that the driver has a physical impairment such as a hearing deficit. For example, an officer may encounter a deaf or hearing impaired driver during a traffic stop. That driver may not hear the officer or even be aware of the officer's presence.

NOTE: For further information regarding persons with disabilities, consult LD 37: *Persons with Disabilities*.

Vehicle pursuits

If a driver of the target vehicle is aware of an officer's signals to stop but ignores them and continues to flee, patrol officers may initiate a vehicle pursuit of the suspect if:

- they have reason to believe the suspect presents a clear and immediate threat to the safety of others, *or*
- the suspect has committed or attempted to commit a violation of the law, *and*
- the necessity of immediate apprehension outweighs the level of danger created by the pursuit.

Officers must also make an honest assessment of their own *training and experience*, as well as the *capabilities and limitations of the vehicle* they are driving before they initiate a pursuit.

NOTE: For additional information regarding vehicle pursuits, refer to LD 19: *Vehicle Operations*.

Continued on next page

Planning and Initiating a Vehicle Pullover, Continued

Examples

Example: An officer on patrol observed a vehicle with two occupants driving late at night with no lights in an area where a large number of burglaries had taken place. Because of the time and location, the officer realized the possibility that the occupants may have been involved in illegal activity. Based on discussions that had been held with other units during roll call, the officer called for backup and followed the vehicle. While following the vehicle, the officer noted the license number, description of car and occupants. When the backup unit arrived, the officer communicated all information to the backup unit and to dispatch. The officer selected a well lit area for the pullover, turned on the patrol car's lights and initiated the pullover.

Example: A patrol officer in a rural area observed headlights on a side road at 2:00 am. The patrol officer knew the road had limited traffic, being chiefly used for fishing and hunting access, as well as for drug use and the dumping of cars. The officer stopped at a location where she could observe the vehicle and called for assistance. As the car drove past, the officer relayed the license number, description of the car, and number and description of the occupants. The occupants were three male teenagers who appeared to be wearing gang insignia. The officer followed the vehicle while waiting for a backup unit to arrive. The driver of the vehicle, noticing the patrol car, pulled over and stopped on a dark stretch of the road. The officer did not approach the vehicle, but directed the occupants to remain in the vehicle. The officer notified dispatch of her location and waited for the backup unit. When the backup unit arrived, the officer initiated a high-risk pullover.

Continued on next page

Planning and Initiating a Vehicle Pullover, Continued

Examples (continued)

Non-example: A patrol officer observed a white panel van driving 15 miles above the speed limit on a busy city street. The officer remembered that a white van had been used in a robbery earlier in the day. The officer followed the van, signaling for the driver to pull over immediately. The van pulled over next to the entrance to a high school that was letting out students for the day. Because the officer initiated the stop immediately and didn't locate a good tactical location for the stop, the pullover occurred in an area where others could be at risk.

Approaching the Target Vehicle

[22.02.EO4, 22.02.EO5, 22.02.EO6, 22.02.EO7]

Introduction

Officer safety depends on a thorough understanding of the tactical and safety considerations involved in approaching the target vehicle.

Risk assessment

Patrol officers must constantly assess and reassess the level of risk throughout the vehicle pullover process. Letting one's guard down or becoming complacent at any time could give the suspect(s) an opportunity to assault the officer conducting the stop.

While the driver of the target vehicle is yielding to the patrol officer's signal to pull over, the patrol officer should:

- determine the number of occupants in the vehicle,
 - carefully observe the occupant(s) actions such as:
 - reaching under the seat, into any compartment (e.g., glove compartment), or
 - leaning over the front seat into the back, and
 - consider requesting additional assistance/backup officers if the patrol officer perceives a high level of potential risk.
-

Placement of target vehicle

It is the patrol officer's responsibility to direct the target vehicle to a safe location for stopping. If the driver of the target vehicle stops in an unsafe location, the patrol officer should instruct the person to move the vehicle to a different and safer location.

If the driver of the target vehicle appears to be impaired (e.g., intoxicated), the target vehicle should not be moved. The patrol vehicle should be positioned so as to afford protection to the target vehicle. The officer should approach the target vehicle, activate the lights and call for assistance for traffic control.

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Approaching the Target Vehicle, Continued

Placement of the patrol unit

Patrol officers must select a safe and tactical position for the placement of the patrol unit. The actual distance from the patrol unit to the target vehicle will depend on a variety of factors, including but not limited to:

- the type of pullover,
 - the type of vehicle being stopped,
 - available space, and
 - environment/topography.
-

Offset position

Placing the patrol vehicle in an **offset position** means the officer will:

- stop behind and slightly to the right or left of the target vehicle,
- with the center of the patrol vehicle in line with the right or left fender of the target vehicle (whichever is the most appropriate).

Placing the patrol vehicle in an offset position generally provides additional protection for the patrol officer while approaching the target vehicle on foot.

NOTE: Placing the patrol unit in an offset position may not be appropriate for pullovers involving some types of vehicles (e.g., motor homes, RVs).

Continued on next page

Approaching the Target Vehicle, Continued

Emergency lighting

Once the patrol vehicle is in an appropriate position, officers may consider turning off the patrol unit emergency lights and activating the vehicle's hazard lights.

The following table identifies a number of considerations for appropriate use of patrol unit warning and emergency lights during a vehicle pullover.

IF...	THEN patrol officers should consider...
<ul style="list-style-type: none">• the location of the pullover creates a hazardous condition,	<ul style="list-style-type: none">• leaving the patrol unit's rear flashing lights activated.
<ul style="list-style-type: none">• the patrol unit's lights could distract or hinder visibility of passing motorists or oncoming traffic,	<ul style="list-style-type: none">• not using their high beams, spotlights, emergency lights.
<ul style="list-style-type: none">• it is essential that responding backup units locate the initial patrol unit quickly,	<ul style="list-style-type: none">• using a maximum amount of lighting. (overhead lights, emergency lights)
<ul style="list-style-type: none">• low light conditions exist,	<ul style="list-style-type: none">• illuminating the target vehicle with high beam headlights or spotlights.

Continued on next page

Approaching the Target Vehicle, Continued

Emergency lighting (continued)

IF...	THEN patrol officers should consider...
<ul style="list-style-type: none"> • patrol vehicle spotlights are being used, <ul style="list-style-type: none"> - focus one on driver's mirror - focus one on rear view mirror 	<ul style="list-style-type: none"> • focusing the beam on the rear view mirror of the target vehicle in order to: <ul style="list-style-type: none"> - prevent the occupants of the target vehicle from observing the officer's approach on foot, and - illuminate the interior of the vehicle and the occupants.

NOTE: Officers should use caution around the patrol vehicle's emergency light so as not to temporarily impair their vision.

NOTE: Specific guidelines for use of emergency lighting during a vehicle pullover will be dependent upon the specific conditions of the vehicle stop and specific agency policy.

Exiting the patrol unit

Patrol officers should exit their patrol units as safely and **quickly** as possible to minimize the danger of the officer being exposed while still seated in the vehicle. In order to accomplish this, officers should:

- have all radio transmissions complete prior to activating emergency lights,
- undo and clear the seat belt prior to coming to a complete stop,
- place the patrol vehicle transmission in park,
- set the parking brake,
- switch on the portable radio (if the radio is not available, the officer should activate the outside speaker and position the microphone for ready access),

Continued on next page

Approaching the Target Vehicle, Continued

Exiting the patrol unit (continued)

- check approaching traffic and open the door only if the path is clear,
- consider lowering the driver and passenger front door windows,
- unlock the doors,
- quickly exit the vehicle, and
- after exiting, momentarily pause to observe the target vehicle.

NOTE: Some agencies encourage officers to turn the patrol vehicle front wheels out toward the roadway. This will facilitate pulling out if the suspect vehicle flees and may also help to protect the officer in the event the patrol vehicle is struck from behind.

Approaching the target vehicle

Once the officer has exited the patrol unit and determined that a safe approach can be made, the patrol officer should:

- stay close to the patrol vehicle to minimize any hazard from passing traffic,
- continuously observe the occupants of the target vehicle,
- maintain an awareness of the surrounding and other hazards,
- keep gun hand free during the approach, and
- use a flashlight sparingly to avoid the potential of vehicle occupants being able to track the officer's movement.

NOTE: Agency policies regarding the use of safety equipment can vary. For example, some agencies require that officers approach vehicles with their baton in the ring.

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Approaching the Target Vehicle, Continued

Methods of approach

Factors such as location, topography and the level of risk may all impact the approach method a patrol officer uses. The following table describes two approach methods and the advantages and disadvantages of each.

	Advantages	Disadvantages
Driver Side Approach	<ul style="list-style-type: none">• Most direct and quickest path to the violator• Provides direct contact with the driver• Provides closer observation of the driver (e.g., can detect a possible DUI, etc.).• Enables officer to better see the Vehicle Identification Number (VIN) on the front windshield	<ul style="list-style-type: none">• More vulnerable to passing traffic• Places officer in “kill zone” on approach (e.g., officer is in the direct line of fire of the driver of the target vehicle)• Allows fewer escape routes/minimal cover for the officer

Continued on next page

Approaching the Target Vehicle, Continued

Methods
of
approach
(continued)

	Advantages	Disadvantages
Passenger Side Approach	<ul style="list-style-type: none"> • Keeps officer away from passing traffic • Provides an element of surprise because most violators expect officer to approach on the left • If a tactical retreat becomes necessary, allows more options for cover and concealment • Allows more opportunities to adjust and modify position as needed upon approach • The angled approach enhances observation of the rear seat and other parts of the target vehicle. 	<ul style="list-style-type: none"> • Officer will need to speak across the passenger if there is a passenger in the target vehicle. • Pedestrian traffic may pose a potential threat to the officer. • Environment may not allow this approach. (e.g., ravines, levees, ditches, etc.) • Officer not able to easily detect objective signs of intoxication.

NOTE: If the officer is making a nighttime approach, it may be more desirable for the officer to go around behind the patrol vehicle during the approach to avoid silhouetting. Officers should use caution when doing so because it may momentarily obscure the officer's ability to observe the target vehicle's occupants.

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Approaching the Target Vehicle, Continued

Non-approach

In some situations, it may be to the officer's advantage to allow the driver or occupants to exit the vehicle. When electing to use this strategy, the officer should remain at the patrol unit in a position of safety. Remaining seated in the patrol vehicle could place the patrol officer in a tactical disadvantage.

The following table describes the advantages and disadvantages of this method.

	Advantages	Disadvantages
Non-approach	<ul style="list-style-type: none"> • If the driver exits immediately, the officer may choose to remain behind the cover/concealment of the patrol vehicle. • May allow the officer to direct the driver out of the vehicle to the curb while the officer maintains a position of safety. • Violator's action can be constantly monitored, especially hand movements. • During the contact, the occupants remain in the officer's field of vision (directly or peripherally). 	<ul style="list-style-type: none"> • Exposes the violator to the hazards of passing traffic • Officer loses containment of occupants • Increases the potential for assault on the officer

Continued on next page

Approaching the Target Vehicle, Continued

Non-
approach
(continued)

	Advantages	Disadvantages
Non-approach	<ul style="list-style-type: none"> • Violator is positioned between officer and target vehicle, helping prevent interference by violator/occupants during the pullover. • If vehicle has tinted windows, officer avoids visibility issues. <p>NOTE: It is recommended that the officer not allow any occupants, except the driver, to exit the target vehicle.</p>	<ul style="list-style-type: none"> • Hinders the officer's ability to observe the interior of the vehicle upon approach <p>NOTE: Officer conducting the pullover is responsible for the violator's safety.</p>

Continued on next page

Approaching the Target Vehicle, Continued

Visual checks of target vehicle

The patrol officer's observation of the target vehicle begins at the inception of the vehicle pullover and continues until the pullover is completed.

As the patrol officer approaches a target vehicle on foot, that officer has the advantage of time and location to visually check the interior of the target vehicle more carefully. Such plain view checks may provide the officer with probable cause for further investigation and more complete lawful searches of the vehicle's interior.

Indicators of possible criminal activity include, but are not limited to:

- an empty holster,
- ammunition,
- firearm magazines,
- actual firearms or other weapons, or
- instrumentalities or evidence directly associated with a crime (e.g., ski mask, drug paraphernalia, etc.).

NOTE: For additional information regarding plain view inspections and vehicle searches, refer to LD 16: *Search and Seizure*.

Exterior checks

Patrol officers who are approaching a vehicle on foot may check the exterior of the trunk visually and by hand.

An open trunk/unsecured trunk or a trunk with the lock punched out may merit reassessing the situation and taking additional high-risk precautions (e.g., officer being set up for an ambush, etc.).

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Approaching the Target Vehicle, Continued

Other observations

By looking at the target vehicle's mirrors, approaching patrol officers can observe the facial expressions and other nonverbal cues of the target vehicle's driver and any occupants. If individuals display signs of fear, panic, or over interest, the officer may wish to take additional safety precautions during the approach.

Approaching officers should also be aware of the position of the driver's and occupant's hands. If hands are not visible, officers may wish to halt their approach and direct the driver and occupants to place their hands in plain view.

NOTE: The need for effective tactical safety should be coupled with professional and courteous conduct.

Examples

Example: A patrol officer pulled over a car for a speeding violation. The stop occurred during daylight hours on a residential street. The driver is a female in her late 20s and she is the only occupant. The officer chose to make a driver side approach. This was the quickest route to the driver and there were no objective reasons to use another approach.

Example: An officer stopped a vehicle for speeding on an interstate highway during the afternoon rush hour. The driver was the only occupant. The officer chose to approach the vehicle on the passenger side in order to avoid being exposed to the passing traffic.

Example: A patrol officer stopped a pickup truck for speeding. After the truck came to a complete stop with the patrol car behind it, a large dog in the back of the truck began to bark and try to jump out. The officer directed the driver to the curb, so that the officer did not risk being bitten on approach.

Making Contact with Vehicle Occupants

[22.02.EO8, 22.02.EO9, 22.02.EO10, 22.02.EO11]

Introduction

For most people, their only contact with law enforcement will occur during a vehicle pullover. For this reason, patrol officers should strive to be courteous and professional during a vehicle pullover, while at the same time never letting their guard down.

Patrol officer positioning

When officers make contact with the driver of the target vehicle during a vehicle pullover, they should position themselves for the greatest safety and tactical advantage. The following table identifies basic guidelines regarding officer positioning.

Action	General Guidelines
Initial contact	<ul style="list-style-type: none">• Officer should be behind the trailing edge of the driver side/passenger side front door (depending on approach method used).• Assuming such a position:<ul style="list-style-type: none">- forces the person to look back toward the officer in a position of disadvantage,- makes it more difficult to point a weapon at the officer, and- prevents the officer from being knocked down if the door is suddenly opened.
While conducting the business of the contact	<ul style="list-style-type: none">• After the initial contact and a visual check of the vehicle interior, it may be necessary or desirable for the officer to change position.• Depending on agency policies and guidelines, officer may choose to:<ul style="list-style-type: none">- pivot to face oncoming traffic while maintaining a position in front of the leading edge of the door, or- remain behind the trailing edge of the door with their back to approaching traffic.

Continued on next page

Making Contact with Vehicle Occupants, Continued

Initial contact

The attitude of the patrol officer can affect the reaction of the driver and the outcome of the vehicle pullover. Officers should make the approach in a businesslike manner while also employing effective verbal communication techniques. Flexibility and courtesy are important in making contact with the vehicle occupants.

Communication skills

Once peace officers are familiar with the basic communication skills, these skills can be combined into formal processes designed to reduce the likelihood of physical confrontation. Communication skills can be used:

- for obtaining voluntary compliance, and
 - when conducting vehicle stops.
-

Voluntary compliance

A major goal of law enforcement is to generate voluntary compliance without resorting to physical force.

The following table identifies communication skills for obtaining voluntary compliance:

Action	Description	Example
Ask (Ethical Appeal)	<ul style="list-style-type: none">• Give the subject an opportunity to voluntarily comply.	A traffic violator has been stopped and issued a citation. He refuses to sign the citation. The officer again requests “Will you please sign the citation.”

Continued on next page

Making Contact with Vehicle Occupants, Continued

Voluntary compliance
(continued)

Action	Description	Example
Set Context (Reasonable Appeal)	<ul style="list-style-type: none"> • Identify and explain the law, policy, or rationale that applies to the situation. • Answer the subject's question "Why?" (Question may be implied rather than voiced.) • Give the subject another opportunity to voluntarily comply. 	(Continuing the previous scenario) The violator responds "I ain't signing your (expletive) citation". The officer then says, "Signing this citation is required by law but does not admit guilt. It is only your promise to appear in court to present your case. If you refuse to sign, you may be subject to arrest. I suggest you sign the citation."
Present Options (Personal Appeal)	<ul style="list-style-type: none"> • Explain possible options or courses of action which can be taken and their consequences for the subject. • Give the subject another opportunity to voluntarily comply. 	(Continuing the previous scenario) The violator still refuses. The officer explains, "you are aware that if you are arrested you will be handcuffed, booked at jail, need to post bail, perhaps humiliation and embarrassment" Or, you can just sign the citation and we both will be on our way. (The list of options can be expanded.)
Act (Take appropriate action)	<ul style="list-style-type: none"> • Take appropriate action. 	(Continuing the previous scenario) If the violator still does not comply, the officer should use necessary and reasonable force to place the person under arrest.

Continued on next page

Making Contact with Vehicle Occupants, Continued

Vehicle stops

Peace officers should become familiar with the communication process for conducting a vehicle stop:

- remain consistently courteous,
- sound professional,
- center their command presence,
- deflect resistance, and
- enhance personal safety by allowing time to quickly scan the interior of the vehicle.

Using this process for vehicle stops provides a self-disciplined pattern. That is, it ensures that officers always handle contacts in a consistent manner, regardless of distractions.

Action	Officers should ...
Greeting	<ul style="list-style-type: none">• greet the person respectfully.• allow the situation to begin positively
Officer and department identification	<ul style="list-style-type: none">• clearly identify themselves and their departments.• establish a command presence.• personalize the contact.
Explain the reason for the stop	<ul style="list-style-type: none">• provide motivation for the person to listen to the officer.
Request driver's license, registration, and proof of insurance	<ul style="list-style-type: none">• ask for the person's license.• allow adequate time for the person to comply. <p>NOTE: If the person fails to comply, officer should take further steps to gain voluntary compliance identified earlier in this chapter.</p>

Continued on next page

Making Contact with Vehicle Occupants, Continued

Vehicle stops (continued)

Action	Officers should ...
Decide appropriate action	<ul style="list-style-type: none"> • select further action based on the circumstances. <ul style="list-style-type: none"> - Issue a warning - Issue a citation - Make an arrest
Close the contact	<ul style="list-style-type: none"> • Use a closing remark that is compatible with the action taken.

Driver/occupants location

It is generally desirable for patrol officers to have the driver and occupants of the target vehicle remain in the vehicle throughout the duration of the pullover. But in certain situations, officers may need to direct the driver/occupants to get out of the vehicle.

Examples of such situations include, but are not limited to:

- when the safety of the driver/occupants or the officer are at risk from passing traffic,
- verifying identification,
- conducting a sobriety check of a driver who may be DUI,
- continuing an investigation,
- searching the vehicle, or
- when an arrest is imminent.

NOTE: Under such conditions, officers may consider requesting additional backup units.

Continued on next page

Making Contact with Vehicle Occupants, Continued

Directing driver/occupants out of target vehicle

The following table presents general guidelines for directing the driver and/or occupants out of the target vehicle.

Action	General Guidelines
Direct the driver/occupants to exit one at a time.	<ul style="list-style-type: none"> • Constantly monitor each person's movements. • Advise person(s) to keep their hands in view. • Consider opening and maintaining control of the vehicle door as the person exits the vehicle. This allows the officer to view the person's hands and use the door as a defensive tool to prevent an assault on the officer.
Conduct a lawful search.	<ul style="list-style-type: none"> • As soon as practical, conduct a lawful search of each individual for weapons.
Maintain control of driver/occupants.	<ul style="list-style-type: none"> • Direct person(s) to a position which allows the officer to keep the target vehicle, and anyone remaining in the vehicle, in view at all times. • Consider lawful option to control and/or prevent interference by driver/occupants while the officer is conducting the business of the pullover (e.g., placing persons in the back seat of a partitioned patrol unit, use of handcuffs, etc.).

Continued on next page

Making Contact with Vehicle Occupants, Continued

Voluntary exits

Patrol officers may encounter situations when the driver and/or occupants of the target vehicle spontaneously exit the vehicle (without being requested to do so by the patrol officer).

Although this may be an innocent action, it may also be a deliberate attempt to prevent the officer from approaching and observing contraband or weapons contained in the vehicle.

Driver's license checks

A driver's license is one of the most common forms of identification. It is important that officers take appropriate actions to check both the *validity* and *authenticity* of the license and to establish the identity of the individual.

Conducting a proper check of each driver's license can also:

- confirm that the driver is authorized to operate a specific type of motor vehicle,
- enforce the provisions of the Vehicle Code which require possession of a valid driver license,
- verify that the driver is complying with any restriction on the driver license,
- confirm the driver's identity so that the driver can be cited and released, and
- verify that the address is correct.

NOTE: Running a driver's license check may also provide the officer with information such as any history of other violations, the existence of wants or warrants related to the individual, etc.

NOTE: For additional information on accessing law enforcement data bases and information systems, and procedures for conducting a driver's license check, refer to LD 36: *Information Systems*.

Continued on next page

Making Contact with Vehicle Occupants, Continued

License examinations

Officers should carefully examine both the front and rear of each license. Driver's license formats will vary depending on the state of issue. General guidelines for determining the validity and authenticity of driver's licenses are noted in the following table.

Officers should look for...	General Guidelines
driving restrictions.	<ul style="list-style-type: none"> • On a California driver's license: <ul style="list-style-type: none"> - restrictions pertaining to corrective lenses are usually found on the front of the license - while other restrictions are attached on the rear. (<i>Vehicle Code Section 14603</i>) • License classifications, including required medical certificates, should always be verified.
signs of unlawful alterations or additions to the license.	<ul style="list-style-type: none"> • Look for indications that the: <ul style="list-style-type: none"> - photograph has been changed, or - driver's age or any other information has been modified. • California does not allow driver's licenses to be laminated by the driver. (<i>Vehicle Code Sections 12815 and 14610 (h)</i>) • Officers should be aware that lamination can: <ul style="list-style-type: none"> - hide a change of photograph, - disguise typed modifications/additions, or • obliterate the safety seal already on the license.

NOTE: Because of numerous recent modifications to California driver's licenses, patrol officers may encounter several different valid formats. When in doubt of the authenticity, officers may request an additional form of identification from the driver. (The DMV has a booklet describing the format of licenses for year of issue.)

Continued on next page

Making Contact with Vehicle Occupants, Continued

Temporary licenses

A temporary driver license is a valid form of identification and no other identification is required. However, a temporary license is easily forged, so an officer might consider asking for other identification to supplement the information contained in it.

When presented with a temporary license, officers need to keep in mind that:

- temporary licenses are easily obtained.
- people with suspended licenses or warrants keep applying for a temporary license to continue driving.
- a person can apply for a temporary license and use it immediately.
- if a temporary license is provided as a form of identification, its validity and authenticity should be thoroughly checked.

Continued on next page

Making Contact with Vehicle Occupants, Continued

Other forms of identification

The following table describes other types of identification that may be used as supportive identification.

Type of Identification	Considerations
Immigration identification	<ul style="list-style-type: none">• Aliens may have in their possession an alien registration card which contains the bearer's photograph and other information.• Information on the card may be out of date and should be verified with additional forms of identification.
State of California identification card	<ul style="list-style-type: none">• California may issue an identification card to use as official identification.• A person may have both a driver's license and a state identification card which will contain the same ID number.• The card is issued through the DMV. It has a similar appearance to the California driver license.
Social Security card	<ul style="list-style-type: none">• Generally an unreliable form of ID.• It can be obtained by just applying for it.<ul style="list-style-type: none">- Some criminals have applied for dozens of them.- Fraudulent check passers use different ones to back up phony ID that they carry.
Other Identification	<ul style="list-style-type: none">• Armed Forces identification cards• Passports

NOTE: The above listed forms of identification are not all-inclusive and officers may encounter other types of documents which may provide satisfactory evidence of the person's identity.

Continued on next page

Making Contact with Vehicle Occupants, Continued

Returning to patrol vehicle

Patrol officers should move to a safe and tactically appropriate location when conducting the business of the vehicle pullover (e.g., running a license check, writing a citation, etc.).

Depending on the specific situation, officers should select a location which:

- provides cover and/or concealment,
- permits them to maintain visual contact with the target vehicle, and
- permits them to observe the occupants of the target vehicle.

Officers may elect to return to their patrol units in order to gain access to mobile data terminals when minimal risk is perceived, or at times of inclement weather.

NOTE: Individual agencies may discourage sitting inside the patrol vehicle to write a citation or operate an MDT. This may be based on the perception that it puts the officer at a tactical disadvantage with vehicle occupants.

Recontacting target vehicle driver

Patrol officers should be cautious and not become complacent in their second approach to the target vehicle. The same principles discussed in the initial approach and contact apply when recontacting the driver.

Termination of contact

Once patrol officers have concluded the business of the pullover, they should:

- return the driver's license and registration, and
 - assist the driver to reenter the flow of traffic. (e.g., dimming the lights on the patrol vehicle so the driver has a clearer view of passing traffic)
-

Chapter Synopsis

Learning need Peace officers must understand the techniques for conducting tactically sound vehicle pullovers.

Safety and tactical considerations
[22.02.EO1, 22.02.EO2, 22.02.EO3] Once an officer has a legal justification for initiating a vehicle pullover, there are a number of officer safety guidelines that should be considered.

Placement of patrol vehicle
[22.02.EO4] Placing the patrol vehicle in an offset position means the officer will stop behind and slightly to the right or left of the target vehicle, with the center of the patrol vehicle in line with the right or left bumper of the target vehicle.

Exiting patrol unit
[22.02.EO5] Patrol officers should exit their patrol units as safely and quickly as possible.

Approaching target vehicle
[22.02.EO6] Once the officer has exited the patrol unit and determined that a safe approach can be made, the patrol officer should stay close to the patrol vehicle to minimize any hazard from passing traffic, continuously observe the occupants of the target vehicle, maintain an awareness of the surrounding and other hazards, keep gun hand free during the approach, and use a flashlight sparingly to avoid the potential of vehicle occupants being able to track the officer's movement.

Methods of approach
[22.02.EO7] There are different methods of approaching a target vehicle that all have advantages and disadvantage.

Continued on next page

Chapter Synopsis, Continued

**Patrol
officer
positioning
[22.02.EO8]**

When officers make contact with the driver of the target vehicle during a vehicle pullover, they should position themselves for the greatest safety and tactical advantage.

**Communication
skills
[22.02.EO11]**

Once peace officers are familiar with the basic communication skills, these skills can be combined into formal processes designed to reduce the likelihood of physical confrontation. Communication skills can be used for obtaining voluntary compliance, and when conducting vehicle stops.

**Directing
occupants
out of vehicle
[22.02.EO9]**

It is generally desirable for patrol officers to have the driver and occupants of the target vehicle remain in the vehicle throughout the duration of the pullover. But in certain situations, officers may need to direct the driver/occupants to get out of the vehicle.

**License
examinations
[22.02.EO10]**

Officers should carefully examine both the front and rear of each license. Driver's license formats will vary depending on the state of issue. Officers should look for driving restrictions signs of unlawful alterations, deletions or additions to the license.

Workbook Learning Activities, Continued

Activity questions
(continued)

3. Officers stopped a car on a highway shoulder to conduct an investigative pullover. The edge of the shoulder is bounded by a guardrail with a shallow ditch beyond it. On the other side of the ditch is a flat field. Traffic is moderate. Draw a diagram of the pullover showing appropriate placement of the unit and the target vehicle. Indicate on your diagram:
- areas that would be illuminated by headlights, spotlights, etc.
 - areas in which an approaching officer would be silhouetted in the light.
 - locations in which an officer could take cover. (Remember to consider the cover provided by each vehicle.)
 - locations in which the officer is at the greatest risk.

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Workbook Corrections

Suggested corrections to this workbook can be made by going to the POST website at: www.post.ca.gov

Chapter 3

High-Risk Vehicle Pullovers

Overview

Learning need Peace officers must recognize situations involving high level of risk in order to apply appropriate tactical actions during a vehicle pullover.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to...	E.O. Code
<ul style="list-style-type: none">• demonstrate officer safety precautions that should be taken during any high-risk vehicle pullover.	22.03.EO1
<ul style="list-style-type: none">• discuss appropriate actions for cover officers who are called to assist the primary officer during a high-risk vehicle pullover.	22.03.EO2
<ul style="list-style-type: none">• demonstrate tactics for conducting a safe and effective high-risk vehicle pullover.	22.03.EO3
<ul style="list-style-type: none">• discuss officer safety considerations when searching the target vehicle, including:<ul style="list-style-type: none">- use of available cover officer(s)- types of objects sought and likely locations- potential hazards (e.g., needles, edged weapons, etc.)- a systematic search process<ul style="list-style-type: none">- interior- exterior	22.03.EO4

Continued on next page

Overview, Continued

In this chapter This chapter focuses on basic tactical guidelines for conducting high-risk vehicle pullovers. Refer to the chart below for specific topics.

Topic	See Page
Officer Safety Considerations	3-3
Tactical Considerations for High-Risk Vehicle Pullovers	3-7
Vehicle Searches	3-14
Chapter Synopsis	3-19
Workbook Learning Activities	3-21

Officer Safety Considerations

[22.03.EO1, 22.03.EO2]

Introduction

High-risk pullovers are conducted in any situation where patrol officers perceive a greater level of risk. Such perceptions may be based on the officer's observations, information received through communications with dispatch, other officers, or other reliable means.

High-risk pullovers

High-risk pullovers are generally made when patrol officers have:

- reason to believe that one or more of the occupants of the target vehicle may:
 - be armed,
 - represent a serious threat to the officer, or
 - has committed a felony.

NOTE: Individual agency policies may dictate the specific criteria as to what constitutes a high-risk vehicle pullover.

Officer reactions

Because of the elevated level of potential danger along with the unpredictable responses of vehicle occupants associated with high-risk vehicle pullovers, patrol officers can encounter a multitude of different personal emotions or reactions. It is normal for patrol officers to experience excitement, fear, anger, confusion, impatience, and even complacency.

In order to prepare for such responses and prevent them from compromising officer safety, officers can:

- discuss hypothetical situations with their partners ahead of time,
 - have a plan of action prior to initiating the vehicle pullover,
 - obtain appropriate ongoing training in advance to maintain skill levels,
-

Continued on next page

Officer Safety Considerations, Continued

Officer reactions
(continued)

- work as a team,
 - maintain communication with dispatch and other involved officers,
 - move slowly and methodically,
 - rely on known tactics and procedures while also remaining flexible enough to adapt or improvise if necessary, and
 - exercise emotional restraint and self-control.
-

Safety precautions

A number of safety precautions are critical when conducting a high-risk vehicle pullover. The following table identifies some of these precautions.

Action	General Guidelines
Utilize appropriate resources/equipment.	<ul style="list-style-type: none"> • Request sufficient personnel and equipment to perform any necessary actions safely and effectively and achieve a psychological advantage over the vehicle's occupants. • Use marked patrol vehicles to effect the vehicle pullover, if possible, to prevent recognition problems and to ensure necessary equipment is available within the vehicle.
Rely on basic training and known tactics.	<ul style="list-style-type: none"> • Use available cover and concealment. • Maintain visual contact with vehicle occupant(s) at all times. • Always maintain a position of advantage.
Maintain personal control and professional attitude.	<ul style="list-style-type: none"> • Do not rush. • Guard against becoming impatient. (<i>Time is usually on the officer's side.</i>) • <i>Wait</i> for requested backup/assistance to arrive before taking action.

Continued on next page

Officer Safety Considerations, Continued

Contact officer

The roles and responsibilities of each officer involved in a high-risk vehicle pullover must be clear. The **contact officer**:

- conducts the business of the pullover
 - directs the driver and occupant(s) of the target vehicle
 - takes necessary actions related to the investigation (e.g., obtaining identification, searching suspects, etc.)
-

Cover officers

It is the general responsibility of any **cover officers** called to assist the primary officer at the scene of a high-risk vehicle pullover to:

- protect the primary officer who is conducting the business of the pullover,
- place their own patrol vehicles in a proper position to avoid silhouetting other officers with the vehicle's headlights or other lighting equipment,
- take and maintain proper positions of cover and concealment,
- maintain their firearms at the ready, and
- maintain visual contact with the vehicle occupant(s) at all times,
- avoid a crossfire situation.

NOTE: For additional information regarding the roles and responsibilities of contact or primary officers and cover officers, refer to LD 21: *Patrol Techniques* and LD 23: *Crimes in Progress*.

Continued on next page

Officer Safety Considerations, Continued

Communication between officers In order to ensure officer safety and help ensure an appropriate outcome, the primary officers and cover officers must effectively communicate with one another. Appropriate communication involves:

- advising the primary officer of any critical occurrences or safety issues (e.g., movement within the target vehicle, someone approaching outside the primary officer's field of vision, possible crossfire situations, etc.),
 - avoid inappropriate interruptions, and
 - avoid giving directions which conflict with those given by the primary officer. (Only one person, usually the primary officer, gives the commands, unless a specific situation calls for another officer to issue a command.)
-

Tactical Considerations for High-Risk Vehicle Pullovers

[22.03.EO3]

Introduction No arrest is so important that the patrol officers involved should expose themselves to needless danger. In order to meet the safety challenges inherent to the situation, patrol officers must employ tactically sound procedures when effecting any high-risk vehicle pullover.

Communication It is vital that the primary officer initiating any high-risk vehicle pullover maintain communication with dispatch and any assisting or backup officers involved in the situation.

Such communication should include the:

- primary officer's location and direction of travel,
- safest approach to the scene
- possible traffic diversions or road closures,
- license number and a description of the target vehicle,
- number and description of the target vehicle's occupant(s),
- existence of any known or suspected weapons within the vehicle, and
- any additional information regarding the offense(s) or the suspect(s),
- request additional resources (helicopter, K-9, less than lethal, etc.)

NOTE: It may be advisable for the officer initiating the pullover to write down the license number and a short vehicle description of the target vehicle. Such information may be helpful if an officer assault occurs during the pullover.

Continued on next page

Tactical Considerations for High-Risk Vehicle Pullovers,

Continued

Tactical procedures

The following table identifies a number of general guidelines for conducting a safe and effective high-risk vehicle pullover.

Action	General Guidelines
Develop a plan of action.	<ul style="list-style-type: none"> • Develop a plan of action with: <ul style="list-style-type: none"> - that officer’s partner, - involved assisting cover units, and - dispatch. • The plan should clearly identify the tactics that will be employed when initiating the pullover as well as throughout the pullover.
Initiate the pullover.	<ul style="list-style-type: none"> • Prepare for the pullover by: <ul style="list-style-type: none"> - rolling down patrol vehicle windows, and - unlocking the vehicle’s doors. • Properly position the patrol vehicle an appropriate distance from the target vehicle. (Two to three car lengths or 20 to 30 feet) • Employ appropriate lighting equipment such as: <ul style="list-style-type: none"> - emergency lights, - headlights, - spotlights, - takedown lights, • Deploy firearms (i.e., handgun, shotgun) at the ready. • Utilize available cover and concealment.

NOTE: “At the ready” refers to how a patrol officer’s weapon should be deployed according to academy training and the specific type of weapon involved (e.g., firearm drawn, pointed at the suspect(s), safety off, or other considerations).

Continued on next page

Tactical Considerations for High-Risk Vehicle Pullovers, Continued

**Tactical
procedures
(continued)**

Action	General Guidelines
Direct action of vehicle occupant(s).	<ul style="list-style-type: none"> • Utilize available cover and concealment. • Use clear, audible, and direct commands. • Identify your law enforcement agency. (“San Jose Police Department”) • Direct the occupant(s) to: <ul style="list-style-type: none"> - keep hands in sight at all times, and - not to move unless instructed to do so. • Give the vehicle’s driver specific instructions to: <ul style="list-style-type: none"> - turn off the vehicle’s engine, - remove the keys from the ignition, - place the keys in a designated location, (e.g., atop the car, dropped out the window, etc.) and • return hands to a position where they can be clearly seen.
Order occupant(s) from the target vehicle.	<ul style="list-style-type: none"> • If multiple occupants, have each person exit the vehicle one at a time. • Direct the suspect(s) to: <ul style="list-style-type: none"> - move slowly, and - keep hands above their heads. • Visually check the suspect(s) for weapons as they exit the vehicle.

Continued on next page

Tactical Considerations for High-Risk Vehicle Pullovers, Continued

**Tactical
procedures
(continued)**

Action	General Guidelines
Establish physical control of occupant(s).	<ul style="list-style-type: none"> • Primary and cover officers must be aware of possible cross fire situations and position themselves accordingly. • Maintain visual contact with the suspect(s) at all times. • Direct occupant(s) to move, one at a time. • Have suspect(s) assume a position of disadvantage. • Handcuff suspect(s). • Conduct a thorough search of each suspect before placing the person into patrol vehicle. • Obtain intelligence information from suspects.
Clear the target vehicle of any additional occupants.	<ul style="list-style-type: none"> • Until otherwise proven, assume additional occupants are hiding in the target vehicle. • Call out a bluff for hiding individual(s) to exit the vehicle (e.g., “You, in the car, get out now!”). • Approach vehicle in a low profile position. • If hidden suspect is located in the vehicle, assume a position of cover. • Feel for vibrations or movements within the vehicle by placing a hand on the trunk lid. • If necessary, use flashlight to cautiously illuminate the vehicle interior. • After checking the vehicle’s interior, consider other areas of possible concealment. • If appropriate, consider use of a canine to clear the vehicle.

Continued on next page

Tactical Considerations for High-Risk Vehicle Pullovers,

Continued

Fleeing suspect(s)

It may be inadvisable for officers to engage in a foot pursuit of any fleeing suspect(s) during a high-risk pullover. Taking such action may:

- draw officer(s) into potentially unsafe (uncleared) areas, and
- compromise the safety of officer(s).

Rather than initiating the foot pursuit, officers should consider establishing a perimeter of the area and initiating a systematic search of the area.

NOTE: For additional information regarding foot pursuits of fleeing suspects, refer to LD 21: *Patrol Techniques*.

Specific agency policies

Specific policies and guidelines can vary. It is each patrol officer's responsibility to be aware of and comply with their own agency's policies and guidelines that pertain to initiating and the use of appropriate tactics regarding high-risk vehicle pullovers.

Continued on next page

Tactical Considerations for High-Risk Vehicle Pullovers,

Continued

Examples:

Example: Intending to stop a vehicle for a suspected DUI, a single officer noticed that the driver threw a handgun into the street as soon as he saw the patrol car's red lights activated. The officer immediately initiated high-risk procedures. He used the PA system to order the suspect to place his hands on his head and to remain in the car. The officer then radioed his situation and location and requested assistance. When the backup unit arrived, the suspect was taken into custody and the weapon was recovered. It was determined that the handgun had been used in a robbery in which the victim was shot. The car had been the victim's and the suspect used it to flee the scene of the robbery.

Example: An officer patrolling in a rural area late at night observed a compact pickup truck run a stop sign at a high speed. The officer initiated a radio broadcast, giving location, license plate number, vehicle and occupant's description. When the officer made the pullover one of the passengers exited the truck and began to walk away. The officer called out on the PA for the passenger to return to the vehicle, which he did. The officer approached the truck, instructing the driver to turn off the ignition. Communications informed the officer, in a confidential transmission, that the truck was stolen. The officer drew his weapon and ordered both occupants not to move. When the officer realized that backup was a minimum of 25 minutes away, he directed both occupants to put their hands on the dashboard and then directed each to crawl out of the truck and to lie prone on the roadway. The ability to be flexible and to adapt tactics to a changing situation allowed the officer to safely detain the suspects until assistance arrived.

Continued on next page

Tactical Considerations for High-Risk Vehicle Pullovers, Continued

Examples (continued)

Non-example: Officers stopped a confirmed stolen vehicle occupied by four suspects. The contact officer had directed the driver out of the car as the assisting officers provided cover. An additional officer arrived and positioned his vehicle to block the target vehicle. The additional officer then ran to the stolen car and dragged a passenger out of the car. The officer acted on his own, without communicating with the others, interfering with the contact officer's commands. This independent action could have jeopardized the operation, and endangered all the officers involved.

Vehicle Searches

[22.03.EO4]

Introduction

The primary purpose of conducting any type of vehicle search is to locate and seize any:

- weapons,
 - contraband, or
 - evidence associated with criminal activity that may be located within the vehicle.
-

Lawful search

Any physical search of a vehicle must be lawful. The type and extent of a physical search of a vehicle during a vehicle pullover is determined by the circumstances of the pullover along with a number of additional factors.

If the driver and/or occupants exit the vehicle voluntarily, the officer may legally enter the target vehicle to retrieve registration papers. While inside the vehicle, the officer may visually scan the area and seize any weapons, contraband, etc., that is in the officer's plain view.

NOTE: For additional information regarding the different types of searches and probable cause requirements for each, refer to LD 16: *Search and Seizure*.

Officer safety

Patrol officers who are conducting a vehicle search should be aware of specific officer safety hazards that may be associated with the search. Possible safety hazards may include, but not be limited to:

- dangerous weapons, (e.g., edged weapons, loaded firearms, etc.)
 - biological hazards, (e.g., hypodermic needles, etc)
 - chemicals, (e.g., dangerous drugs such as PCP, drug lab materials, etc.)
 - booby traps, (e.g., explosives)
 - animals, or
 - bystanders.
-

Continued on next page

Vehicle Searches, Continued

Fundamental principles

There are a number of fundamental principles that apply to vehicle searches that officers may be called upon to conduct.

Action	Additional Information
Use assistance/ backup.	<ul style="list-style-type: none"> • Officers must <i>maintain control of the situation</i> at all times. • The use of backup assistance officers when available is strongly recommended. • Additional officers may be required to: <ul style="list-style-type: none"> - properly remove occupant(s) from the target vehicle, - maintain control of the occupant(s) while the contact officer is conducting the search, and - prevent interference by other persons. (e.g., witnesses, victims, onlookers, other officers, etc.)
Never “relax.”	<ul style="list-style-type: none"> • Officers must never let down their guard while conducting the search. • If the suspect perceives that the officer is distracted or has relaxed, that person may attempt to take some action the suspect might otherwise attempt. (e.g., flee on foot, reach for the officer’s weapon, etc.)
Maintain integrity of evidence.	<ul style="list-style-type: none"> • Any evidence that is located within the target vehicle during the search must be properly collected, preserved, secured, and documented.

NOTE: For additional information regarding the collection and preservation of evidence, refer to LD 30: *Preliminary Investigation*.

Continued on next page

Vehicle Searches, Continued

Systematic searches

Vehicle searches should be conducted in a systematic manner. The following table identifies a number of general guidelines for conducting a systematic search of a vehicle.

Action	General Guidelines
Plan the search.	<ul style="list-style-type: none">• Officers should consider the:<ul style="list-style-type: none">- nature of the area to be searched,- type and size of objects being sought (e.g., drugs that can be hidden in small areas, weapons, ammunition, etc.),- specific circumstances of the pullover,- time limitations, and- legal restrictions based on the type of search being conducted.
Search systematically.	<ul style="list-style-type: none">• Cover the area in a systematic manner in order to prevent missing any possible locations where items could be located.• Possible systematic patterns may include but not be limited to:<ul style="list-style-type: none">- starting at the top of the target vehicle and working down,- searching from front of the target vehicle to rear, or- searching the interior first, then the exterior.
Search each area thoroughly.	<ul style="list-style-type: none">• Search all areas that could reasonably contain the item that is the target of the search (e.g., weapons, contraband, instruments of criminal activity, etc.).

Continued on next page

Vehicle Searches, Continued

Examples

Example: On a high-risk vehicle pullover one officer was tasked with searching the interior of the vehicle for evidence of a robbery. After a very thorough, painstaking search, the officer found the weapon used in the robbery and the stolen property. The handgun was found under the driver's seat, wedged between the seat cushion and the supporting springs. The stolen money was found jammed into the ashtray base in the back seat. It took an extremely thorough search to locate these well concealed items.

Example: Two officers stopped a vehicle for a traffic violation. During the pullover, the officers determined that the suspect was driving with a suspended license and registration. After the driver was arrested and secured, he consented to a search of his vehicle. The officers located ten rocks of rock cocaine inside the vent of an air conditioning air duct.

Non-example: An officer searched the interior of a narcotics suspect's vehicle. The officer was searching for a bundle of cocaine that had just been purchased from a known dealer by the suspect. The officer, in a hurry and anxious to find the drugs, shoved his hand into the recess between the rear bench seat and the back rests. The officer's hand was punctured by a syringe. It is important for officers conducting a search of a vehicle to proceed in a cautious and deliberate manner.

Continued on next page

Vehicle Searches, Continued

Examples
(continued)

Non-example: A patrol officer stopped a motor home for a traffic violation. The driver was arrested on an outstanding warrant. The driver was searched, pursuant to the arrest, and found to be in possession of methamphetamine and needles. The officers searched the motor home but did not locate any drugs. The motor home was towed to a yard for storage. The driver who towed the motor home to the storage yard called the police to report that a large amount of drugs was found in a hollow rear bumper. A more thorough search by the officers would have located the drugs.

Chapter Synopsis

Learning Need Peace officers must recognize situations involving high level of risks in order to apply appropriate tactical actions during a vehicle pullover.

Safety precautions [22.03.EO1] A number of safety precautions are critical when conducting a high-risk vehicle pullover including:

- Utilize appropriate resources/equipment.
 - Rely on training and known tactics.
 - Maintain personal control and professional attitude.
-

Cover officers' responsibilities [22.03.EO2] It is the responsibility of any cover officers called to assist the primary officer at the scene of a high-risk vehicle pullover to protect the primary officer who is conducting the business of the pullover. Also, to place their own patrol vehicles in a proper position to avoid silhouetting other officers with the vehicle's headlights or other lighting equipment, take and maintain proper positions of cover and concealment, maintain their firearms at the ready, maintain visual contact with the vehicle occupant(s) at all times, and avoid a crossfire situation.

High-risk vehicle pullover [22.03.EO3] Guidelines for conducting a safe and effective high-risk pullover include developing a plan of action prior to initiating the stop. Initiate the pullover maintaining appropriate distance and using appropriate equipment. Direct the occupant(s) of the vehicle regarding appropriate actions. Order occupant(s) from the target vehicle. Establish physical control of the occupant(s). Clear the target vehicle of any additional occupants.

Continued on next page

Chapter Synopsis, Continued

**Conducting
a vehicle
search
[22.03.EO4]**

Safety hazards for officers who are conducting a vehicle search include dangerous weapons, biological hazards, chemicals, booby traps, (e.g. explosives) animals, or bystanders.

Fundamental principles that apply to vehicle searches include the use of assistance/backup, never “relaxing”, maintaining integrity of evidence, planning the search while searching systematically, and searching each area thoroughly.

Workbook Learning Activities

Introduction

In order to help you review and apply the material covered in this chapter, a selection of learning activities has been included. No answers are provided. However, by referring to the appropriate text, you should be able to prepare a response.

Activity questions

1. Under what conditions, if any, should officers direct the occupants of a target vehicle involved in a high-risk pullover to exit their vehicle? Under what, if any, circumstances should these occupants be directed to remain in the vehicle?

2. An officer on patrol alone initiates a traffic enforcement pullover of a station wagon traveling 70 mph in a 55 mph zone. The vehicle occupants appear to be a driver and one passenger. Rather than pulling over immediately, the car continues down the road for another half-mile, and the passenger throws several small bags out of the window and over the guardrail at the edge of an overpass. The vehicle then moves another quarter-mile down the road and pulls off onto the shoulder. What actions should the patrol officer take at this point? Should the officer call for backup? If so, what actions if any, should the officer take while waiting for backup to arrive? Describe how the officers should proceed once backup arrives.

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

3. How does the existence of heavily tinted windows on the target vehicle change how officers should handle a high-risk pullover?

Chapter 4

Other Types of Vehicle Pullovers

Overview

Learning need Peace officers must make appropriate safety and tactical adjustments when conducting pullovers involving vehicles other than passenger cars and pickup trucks.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to...	E.O. Code
<ul style="list-style-type: none">• Explain appropriate safety and tactical considerations when conducting vehicle pullovers involving:<ul style="list-style-type: none">- vans, campers, and motor homes,- motorcycles,- buses and semi-trucks.	22.04.EO1 22.04.EO2 22.04.EO3

In this chapter This chapter focuses on basic tactical guidelines for conducting vehicle pullovers involving different types of vehicles. Refer to the chart below for specific topics.

Topic	See Page
Vans, Campers and Motor Homes	4-2
Motorcycles	4-8
Buses and Semi-trucks	4-10
Chapter Synopsis	4-13
Workbook Learning Activities	4-14

Vans, Campers, and Motor Homes

[22.04.EO1]

Introduction

Because of their shape and concealment possibilities, vans, campers, and motor homes provide a unique set of circumstances that officers should be aware of in order to protect their own safety and conduct an effective vehicle pullover.

Officer safety considerations

There are a number of officer safety considerations when effecting a vehicle stop involving vans and campers because of their size and visibility limitations. Because of these, extra caution is required regardless of the reason for the pullover.

	Considerations
Conducting the Pullover	<ul style="list-style-type: none">• Position of the patrol vehicle related to the target vehicle, pullover locations, use of lights, etc. may need to be modified.• Traditional patrol vehicle positioning (e.g., offsetting) may obscure the officer's view of the passenger's side door of the target vehicle.
Approaching the Target Vehicle	<ul style="list-style-type: none">• Officer is at greater vulnerability when approaching the vehicle.• Driver and occupant(s) may be concealed from the officer.• Vehicle may have curtains or tinted windows.• Vehicle may have side door(s) and/or rear doors that occupants could attempt to escape from.

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Vans, Campers, and Motor Homes, Continued

Traffic enforcement pullovers

When conducting a traffic enforcement pullover with an unknown level of risk, officers should:

- stop the patrol vehicle back far enough, within reason, to afford the officer(s) a better view of all potential exits.
 - base the manner of approach to the vehicle and whether or not to remove the driver and occupant(s) from the vehicle, on the specific circumstances of the pullover.
-

Investigative pullovers

Investigative pullovers involving vans and campers should be conducted with *at least two officers* present when possible. The following table identifies general guidelines for each officer during an investigative pullover.

Action	Primary Contact Officer	Cover Officer(s)
Initial contact	<ul style="list-style-type: none">• Directs the driver to:<ul style="list-style-type: none">- turn the ignition key off,- exit the van, and- bring the keys to the rear of the van	<ul style="list-style-type: none">• Protects the primary contact officer• If cover not available, officer may elect to remain behind the passenger door of the patrol vehicle

Continued on next page

Vans, Campers, and Motor Homes, Continued

Investigative pullovers (continued)

Action	Primary Contact Officer	Cover Officer(s)
Clearing the vehicle	<ul style="list-style-type: none"> • Directs the driver to: <ul style="list-style-type: none"> - open the vehicle's rear door(s) and side door(s), and - stand on the passenger side of the vehicle. • May move to the passenger side of the vehicle in order to achieve better visibility inside the vehicle • Checks inside the vehicle for other occupant(s) • Directs occupant(s) out of the vehicle one at a time through the rear or side door of the van 	<ul style="list-style-type: none"> • Maintains visual observation of the vehicle and the driver • Watches the occupant(s) as the primary contact officer continues to clear the vehicle
Conduct investigation	<ul style="list-style-type: none"> • Clears the vehicle for any additional occupants • Takes necessary actions related to the investigation such as: <ul style="list-style-type: none"> - obtaining identification, - searching driver/ occupant(s), - searching the vehicle if necessary, - writing citation or taking other enforcement action, etc. 	<ul style="list-style-type: none"> • Continues cover responsibilities throughout the investigation

NOTE: A traffic pullover or an investigative pullover may escalate at any time into a high-risk pullover.

Continued on next page

Vans, Campers, and Motor Homes, Continued

High-risk pullovers

Just as with an investigative pullover, *at least two officers* should always be present during any high-risk pullover. The following table identifies general guidelines for each officer during a high-risk pullover.

Action	Primary Contact Officer	Cover Officer(s)
Initial contact	<ul style="list-style-type: none"> • Maintains control of the stop from the beginning • Directs the driver to: <ul style="list-style-type: none"> - turn off engine, remove keys from ignition, and hold the keys in one hand, and - place both hands out the driver's side window. 	<ul style="list-style-type: none"> • Maintain visual contact with suspect(s) at all times • If cover not available, officer may elect to remain behind the passenger door of the patrol vehicle. • Protects the primary contact officer
Remove driver	<ul style="list-style-type: none"> • Directs the driver to: <ul style="list-style-type: none"> - open the driver-side door by using the <i>outside handle</i>, - slowly step out of the vehicle, and - close the vehicle door. • Once driver is outside the vehicle, orders the driver to: <ul style="list-style-type: none"> - move slowly, and - keep hands above head. • Visually check driver for weapons as driver exits the vehicle. 	<ul style="list-style-type: none"> • Maintains visual observation of the vehicle and the driver • Watches the occupant(s) as the primary contact officer continues to clear the vehicle

Continued on next page

Vans, Campers, and Motor Homes, Continued

High-risk pullovers (continued)

Action	Primary Contact Officer	Cover Officer(s)
Remove occupants	<ul style="list-style-type: none"> • Questions the driver regarding additional occupants who may be in the target vehicle • Directs driver to: <ul style="list-style-type: none"> - move to the rear and/or side doors of the vehicle, - open door(s), and - spread curtains or any other items that may block observation into the vehicle • Secures the driver • Removes occupant(s) one at a time from the nearest door • Directs occupant(s) to <ul style="list-style-type: none"> - move slowly, and - keep hands above their heads. • Visually checks occupant(s) for weapons as they exit the vehicle. 	<ul style="list-style-type: none"> • Guards the driver as occupants are being removed <p>NOTE: If the cover officer has better visibility, the roles of contact and cover may be switched.</p>
Conduct the investigation	<ul style="list-style-type: none"> • Clears the vehicle for any additional occupants • Conducts a vehicle search • Takes any necessary law enforcement actions 	<ul style="list-style-type: none"> • Continues cover responsibilities throughout the investigation

Continued on next page

Vans, Campers, and Motor Homes, Continued

High-risk pullovers (continued)

NOTE: Individual agency policies may vary with regard to specific procedures for high-risk pullovers of other types of vehicles. It is each officer's responsibility to be aware of and comply with their own agency's policies and guidelines.

Examples

Example: An officer observed a large van roll through a stop sign in a residential area during daylight hours. The officer did not observe anything else. The vehicle had tinted windows on the side and rear and a sliding door with no windows on the passenger side. The officer was able to see only the face of a young male in the driver's side mirror. Because of the officer's limited visibility, the officer chose a nonapproach. She remained with the patrol vehicle and used the PA to instruct the driver to exit the van and bring his license, registration, and proof of insurance to her.

Example: An officer initiated an investigative pullover of a van whose driver was operating the vehicle erratically. On approach, the officer saw the driver was paying particularly close attention to the officer in the rear view and side mirrors. The officer did not have a clear view of the driver's hands or if there were any other occupants in the vehicle. The officer halted his approach, returned to the patrol vehicle, and requested backup. Using the patrol vehicle as cover, the officer used the PA and instructed the driver to exit and move to the curb. When the backup officer arrived, the primary officer continued to clear the vehicle of two occupants as the backup officer maintained cover. During the investigation, it was determined that there were open containers of alcohol in the vehicle and that the driver was DUI.

Motorcycles

[22.04.EO2]

Introduction

Because of their maneuverability and speed, motorcycle pullovers present special safety and tactical considerations for patrol officers.

Operator safety

As a motorcycle pulls off a roadway, it can easily slip or slide on surfaces that are different from the road surface. (e.g., loose gravel on road shoulder)

Officers must also be aware that the motorcycle operator (and rider) are highly vulnerable to injury if the motorcycle should go down as a result of the officer's actions when conducting a pullover.

Mobility

The driver of the stopped motorcycle can easily pull away as the officer approaches and can drive to areas that are impassible by the patrol vehicle. For this reason, it is advisable that patrol officers write down as well as notify dispatch information regarding the:

- motorcycle license number, and
 - identification/description of the operator.
-

Effecting the pullover

When initiating the pullover, the patrol officer must be careful not to follow too closely while directing the operator to a safe location for the stop.

Once the motorcycle is stopped, the patrol officer should:

- pull in behind the motorcycle just as with any other vehicle,
 - have the operator shut off the engine,
 - remove keys from the ignition, if applicable,
 - have operator (and rider) take off helmet(s), (to verify ID)
-

Continued on next page

Motorcycles, Continued

Effecting the pullover (continued)

- step off the motorcycle, and
 - move away from the vehicle to:
 - prevent the person(s) from having any access to weapons that may be on the motorcycle, and
 - ensure the operator does not try to get back on the motorcycle and flee.
-

Examples

Example: A patrol officer paced a motorcycle traveling 53 mph in a 30 mph zone. The officer informed dispatch of his intention to stop the vehicle and then initiated the pullover. The operator initially pulled over along the right side of the road with a narrow shoulder but then continued to a parking area at a nearby gas station when the officer instructed him to do so. The officer took appropriate safety precautions to have the operator move away from the motorcycle while the officer conducted the business of the pullover and wrote the citation.

Non-example: A patrol officer initiated a pullover of a motorcycle without a license plate. The operator told the officer that he needed to stay on the motorcycle because he did not trust the vehicle's kick stand. After obtaining the operator's license, the officer moved back to the patrol vehicle to write the citation. As soon as the officer reached the patrol vehicle, the operator started the motorcycle and sped away, traveling at high speed into a nearby orchard where the officer could not follow. The officer's failure to have the operator move away from the motorcycle led to the potentially dangerous situation.

Buses and Semi-Trucks

[22.04.E03]

Introduction

Pullovers of buses and semi-trucks can involve a number of safety and tactical problems. In addition, a vehicle pullover of a bus can present a significant public relations problem with the passengers.

Initiating the pullover

The selection of an appropriate location for the stop becomes a significant issue when a pullover involves a large vehicle. The officer must direct the bus to a location that not only allows for a safe and tactical approach by the officer but also a location where the passengers will be safe should they have to exit the vehicle.

When a semi-truck is pulled over, it should not be stopped on a grade. Depending on the semi-truck's load, it may be difficult to restart the vehicle parked on a grade.

General guidelines

There are a number of general guidelines officers should be aware of when effecting a pullover of a vehicle that is not a passenger car or pickup.

- Traffic enforcement pullover
 - Investigative pullover
 - High risk pullover
-

Continued on next page

Buses and Semi-Trucks, Continued

General guidelines (continued)

Just as with other unconventional vehicles, there are a number of general guidelines officers should be aware of when effecting each type of pullover.

Type of Pullover	General Guidelines
Traffic enforcement pullover	<ul style="list-style-type: none"> • Basic tactical considerations regarding positioning of the patrol vehicle to the target vehicle and use of emergency lights/siren/horn to get the driver's attention, remain the same as with other traffic enforcement pullovers. • Because of the size of the bus or semi-truck, the officer may have difficulty seeing the driver while the driver has a sight advantage of the officer's approach. • When a pullover involves a bus, officers should have the driver exit and approach the officer. • When a pullover involves a semi-truck, officers should: <ul style="list-style-type: none"> - not require the driver to turn off ignition due to potential engine damage. - instruct the driver to leave the vehicle rather than attempting to climb up on the tractor. - question the driver regarding additional occupants who may be in target vehicle.
Investigative pullover	<ul style="list-style-type: none"> • At least two officers should be present when the stop is initiated, whenever possible. • The officers' approach to the vehicle and the removal of the driver and passengers should be based on the specific circumstances of the pullover (i.e., level of perceived risk). • When clearing the cab of a semi-truck, officers should check the sleeper area for additional suspects.

Continued on next page

Buses and Semi-Trucks, Continued

General guidelines
(continued)

Type of Pullover	General Guidelines
High-risk pullover	<ul style="list-style-type: none">• There are two key safety considerations unique to bus pullovers that officers should be aware of:<ul style="list-style-type: none">- the vulnerability of the patrol vehicle in relation to the size and weight of the vehicle, and- the visibility of the approaching officer to the occupants of the vehicle.• At least two officers should be present when the stop is initiated. Additional support/backup may also be required.• Driver and passengers should be instructed to exit the vehicle one at a time and moved to a safe location.• Once driver and passengers have exited, officer(s) can secure the vehicle and conduct investigative actions (e.g., vehicle search, etc.).

Chapter Synopsis

Learning need Peace officers must make appropriate safety and tactical adjustments when conducting pullovers involving vehicles other than passenger cars and pickup trucks.

Safety and tactical considerations Because of their shape and size, and concealment possibilities, there are a number of safety and tactical considerations officers should be aware of when stopping other types of vehicles.

[22.04.EO1,
22.04.EO2,
22.04.EO3]

- Vans, campers and motor homes
 - Motorcycles
 - Buses and semi-trucks
-

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

3. How might an officer's actions or tactics vary during an investigative pullover involving a full size pickup truck from an investigative pullover involving a car? What if the investigative pullover involved a sport utility vehicle?

Continued on next page

Workbook Learning Activities, Continued

Activity questions
(continued)

4. Use the following table to list specific *officer safety* considerations when conducting a pullover noted with each type of vehicle.

	Motorcycle	Motor home	Semi-truck
Traffic enforcement pullover on a two lane county highway			
Investigative pullover on a four lane freeway during rush hour			
High-risk pullover on a gravel country road			

Glossary

Introduction **The following glossary terms apply only to Learning Domain 22: Vehicle Pullovers.**

concealment Anything that prevents occupant(s) of a vehicle from observing an officer

contact officer The patrol officer who initiates a vehicle pullover and who therefore becomes responsible for conducting the business of the pullover

cover Anything that may provide protection to an officer during a vehicle pullover by *stopping* or *deflecting* a suspect's weapons

cover officer The patrol officer called to assist the primary or contact officer at the scene of a vehicle pullover

high-risk pullover Pullovers conducted in any situation where patrol officers perceive a greater level of risk; such perceptions may be based on the officer's observations and/or information received through communications with dispatch, other officers, or other reliable means

Mobile Digital Terminal (MDT) Mobile access systems used in law enforcement vehicles to receive and transmit information

officer safety The practical application of tactically sound procedures in conducting all categories of vehicle pullovers

Continued on next page

Glossary, Continued

offset position Placing the patrol vehicle behind and slightly to the right or left of the target vehicle with the center of the patrol vehicle in line with the right or left fender of the target vehicle

primary officer The patrol officer who initiates a vehicle pullover and who therefore becomes responsible for conducting the business of the pullover.

risk assessment The level of anticipated risk involved with any vehicle pullover based on the officer's perception of danger due to a suspect's conduct, or advance knowledge

target vehicle The vehicle that is the object of the law enforcement action
