

# Approach & Arrest of Suspects

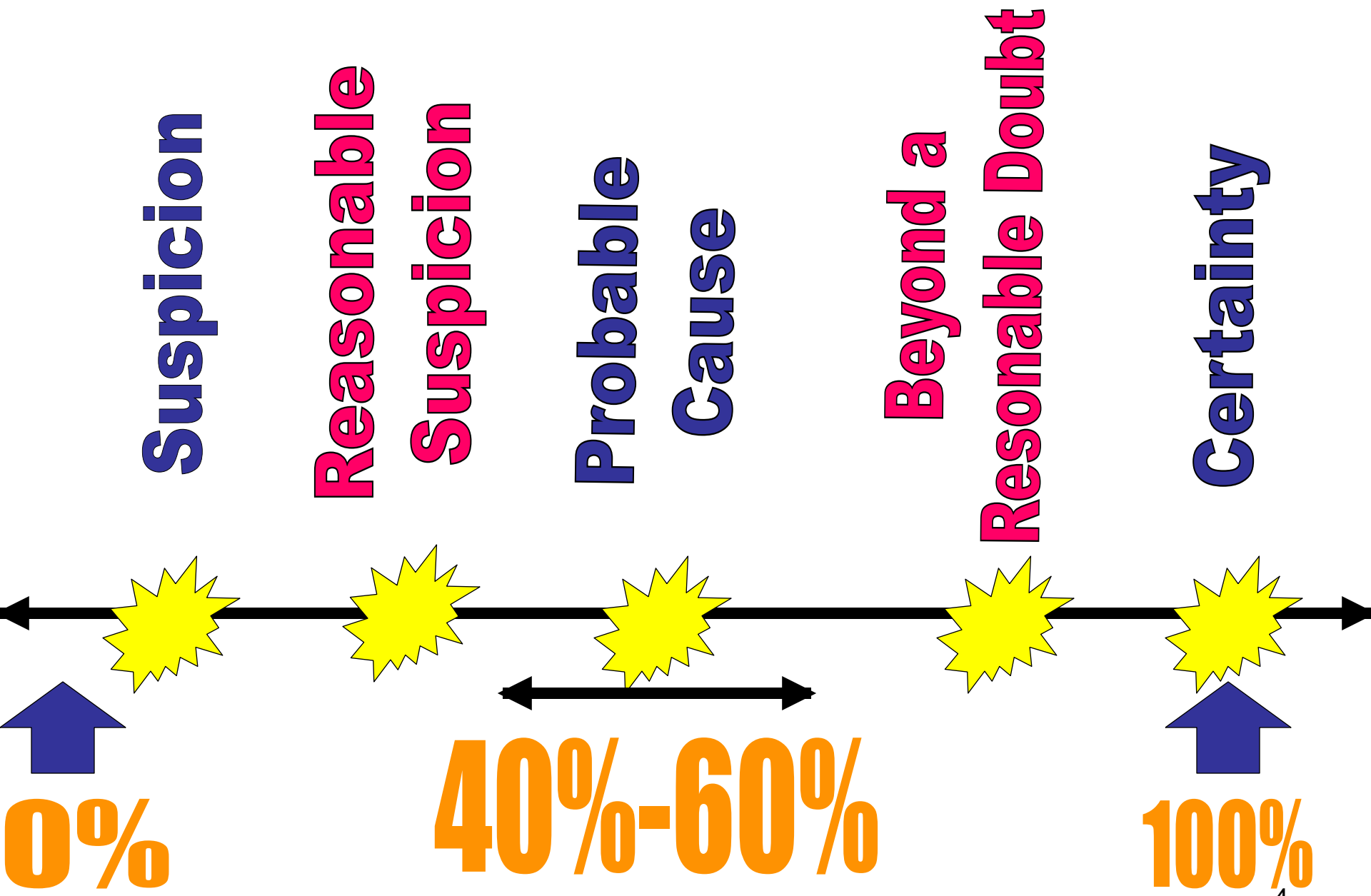
**Essential Question:** How is a person properly arrested?

# Unit Assessment – as big as a test

- You will be partnered with another student
- You will be given a realistic scenario
- The scenario will assess:
  - Knowledge of arrest & search law
  - Tactics of approach and interaction
  - Use of radio and general communication
  - Handcuffing, frisk, and searching

# Vocabulary Assignment

- Various words are *italicized*
- You will define these words
  - They are legal terms you will use frequently
- Ignore *Miranda & Terry* as these are cases



# Officer & Citizen Contacts

Three types police encounters:

1. Verbal encounters w/ no *coercion* or detention
2. Brief “stops” or “seizures” which require reasonable suspicion (*Terry Stop*)
3. “Arrests” supported by P.C.

# Voluntary Contact

- Officer's word/actions would cause a reasonable/innocent person to believe they were free to refuse to interact
- Keys:
  - No force
  - No "show of authority" – actions/words that would make person think they must interact (tone of voice, etc.)

# Voluntary Contact

- Officers should use words of invitation or request
  - “May I...”
  - “Would you be willing...”
- Will not invoke *Miranda* Rules
- Documentation Key - recordings

# Stop and Frisk (*Terry* Stop)

- Stop – a temporary investigative detention of an individual short of an arrest
- Frisk – pat-down of an individuals outer clothing to determine whether he is carrying a weapon
  - Less *intrusive* than a search



# Question 1

**Which of the following is NOT a type of citizen contact?**

- A) Verbal encounters without detention
- B) Brief stops &/or seizures
- C) Arrests
- D) Protective Isolation

# Stop and Frisk (*Terry* Stop)

- Requires Reasonable Suspicion (RS)
  - AKA Articulable Suspicion
- Weapons, safety issues only – not evidence
- Search limited to areas weapons can be found
- Considered intrusive by courts
- Not as intrusive as search incident to arrest or a PC search

# Stop and Frisk (*Terry* Stop)

- Same limits apply to “Investigative Stop” where stop related to questioning
- Appearance may lead to reasonable suspicion – bulge in jacket
- Description of suspect may lead to stop

# Stop and Frisk (*Terry* Stop)

- Not considered “*custodial*” so Miranda Rules usually do not apply
- Force may be used to effect and safely maintain stop (including pointing a gun at a suspect)
- Handcuffing &/or placing in car may be ok if needed for officer safety or security of detainee

# Stop and Frisk (*Terry* Stop)

- Frisk rules pertain to purses, backpacks, and suitcases
- Plain view applies to all circumstances
- Behavior similar to criminal behavior – hiding things, fleeing – may lead to R.S.

# Stop and Frisk (*Terry* Stop)

- Report of crime or informant information – should be verified
- When does Stop become Arrest?
  - Generally an issue of intrusiveness, mostly linked to time

# Arrest Defined

- Ga. Ct. of Appeals:
  - Taking, seizing, or detaining the person of another by touching, putting hands on him, or any other act.
  - Arresting person understands he is under the control of the other and submits.

# Arrest Defined

- Ga. Supreme Court:
  - “A person is under arrest whenever his liberty to come and go as he pleases is restrained no matter how slight such restraint may be.”
- Actual touch is NOT required by *common law* nor *statutory law*.



## Question 2

**A man in a high crime neighborhood is stopped for suspicious behavior. The officer check the man for weapons. This is known as a:**

- A) Frisk
- B) Terry check
- C) Patdown
- D) All of the above would be correct

# Arrest Defined

- **Federal Law:**
  - Allows more intrusion before arrest is effected
  - Similar enough to state to not require *delineation*
- Involuntary movement of subject usually defined as arrest

# Arrest Clarified

- Whether or not a person arrested depends upon “Whether a reasonable person in the suspect’s position would have thought the detention would not be temporary.”

# Probable Cause (PC)

- Information must be lawfully obtained
- P.C. is at time of arrest
- Based on personal observation – knows, sees, smells
- Info known at time – reasonable *validity*
- *NC/C* report is P.C. – must attempt to validate

# Place of Arrest

- May force entry into home *concealing* offender after stating authority and demanding admission
- *Exigent* circumstances may allow entry without an arrest warrant

# Exigent Circumstances

Considerations for warrantless entry:

- *Gravity* or violent nature of offense
- Reasonable belief suspect is armed
- Clear P.C. that suspect committed crime
- “Strong reason” to believe suspect is present
- Likelihood of escape

# Arrest Warrant Issues

- Must state authority or identify self
- Warrant available on demand
- No more force than reasonably necessary
- Knock and announce generally required in warrants
- Arrested person should be told of charges

# Police Informants

- Draper v US - P.C. for arrest exists where and officer:
  - Receives and *corroborates*
  - Detailed info
  - Informer who is reliable and regular
- Info cannot be “stale”



# Miranda Warnings

- *Miranda* warnings sometimes read as part of arrest procedure but this is not required
- Custody AND questioning required for *Miranda* to kick in

# Arrest Requirements

- Must appear before a judge within 48 hours or be released
- No right to phone call
- Right to attorney only required for legal proceeding or questioning

# Citizens Arrest

- Offense must occur in their presence
- Suspect must be taken without delay to a peace officer
- Private Security and out of jurisdiction police fall under Citizens Arrest in Georgia

# Searches and Frisks

- Search incident to arrest
  - extensive search for evidence, weapons, & *contraband*
  - Includes “area of immediate control” as well as “lunge area”
  - May include console and glove box of cars
- Strip/body cavity searches – usually limited to jail intake

# Searches and Frisks

- Gender specific problems in searches
  - Male on female should be avoided when reasonably possible
  - Call for backup to witness
  - If all else fails use dash camera
- Jail intake searches should never be male on female without witnesses
- Review Frisk Rubric

# Vehicle Searches

- Searches may be:
  - Terry search
  - Search incident to arrest
  - PC Search
  - Inventory – NOT a search
- Break vehicle into zones
- Look **BEFORE** you touch
- Use flashlights, mirrors, and similar

## Question 3

**A backpack can be patted down under the same standards as a body patdown**

Answer Yes or No.

## Question 4

**Which of the following is NOT true about arrests:**

- A) The officer must place his hands on the suspect
- B) Any involuntary movement of the suspect is an arrest
- C) Holding a suspect in the back of a patrol car for an hour would be an arrest
- D) If a reasonable person would think the stop was not temporary it is most likely an arrest



## Question 5

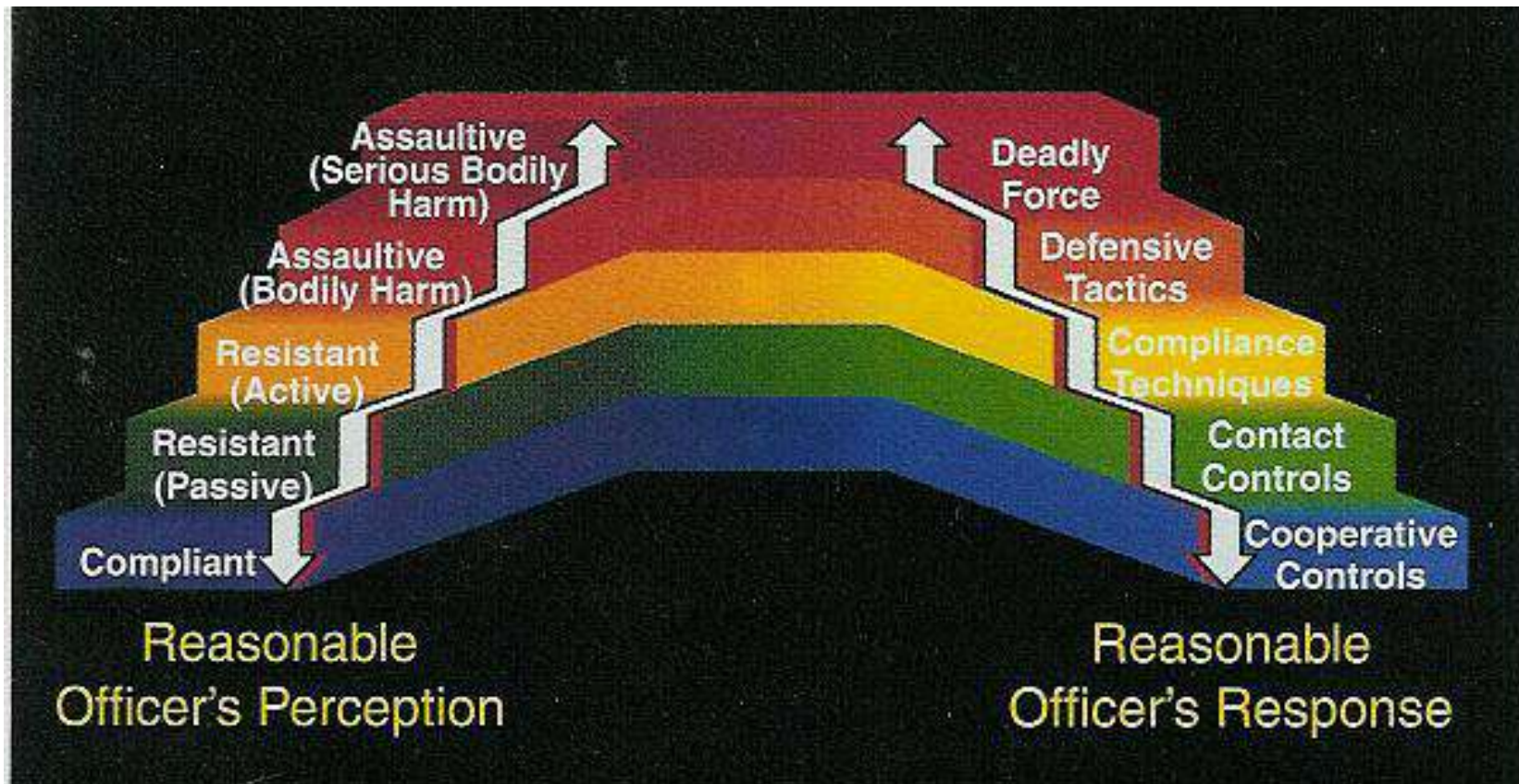
**In general, when frisking or searching an officer should:**

- A) not conduct a strip search
- B) break vehicles into zones for searching
- C) have same sex conduct frisks and searches
- D) search area where the suspect could reach
- E) All of the above are things are correct

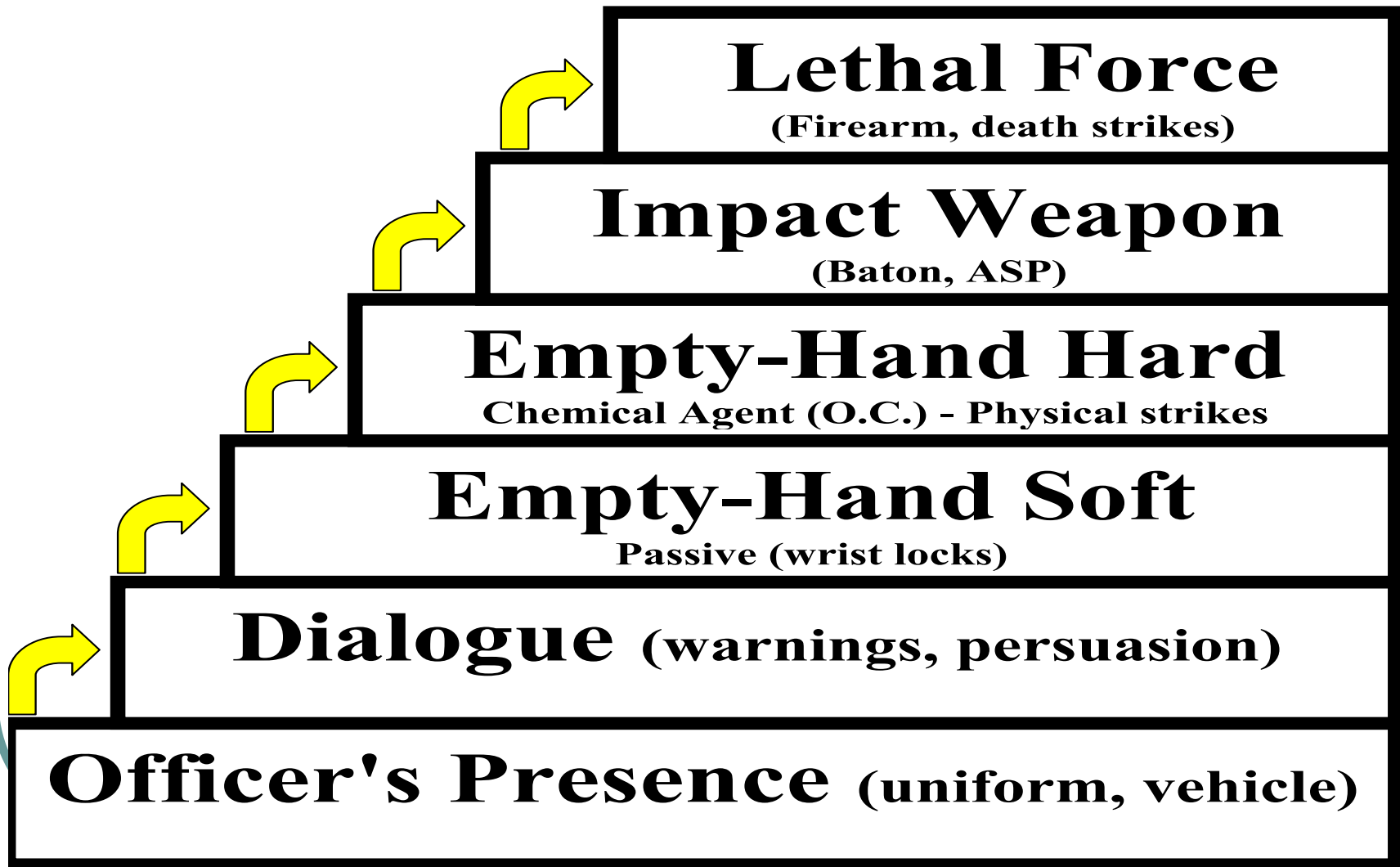
# Deadly Force to Affect Arrest

- Tennessee v Garner – deadly force can only be used to prevent escape with PC to believe suspect poses “significant threat of death or grave injury” to others

# Federal Law Enforcement Training Center (FLTEC) Use of Force



# Use of Force Continuum



# Levels of Subject Resistance



**Deadly Force**

**Active Aggression-punches**

**Defensive Resistance - push**

**Passive Resistance - limp**

**Verbal non-compliance - No!**

**Psychological Intimidation - stare**

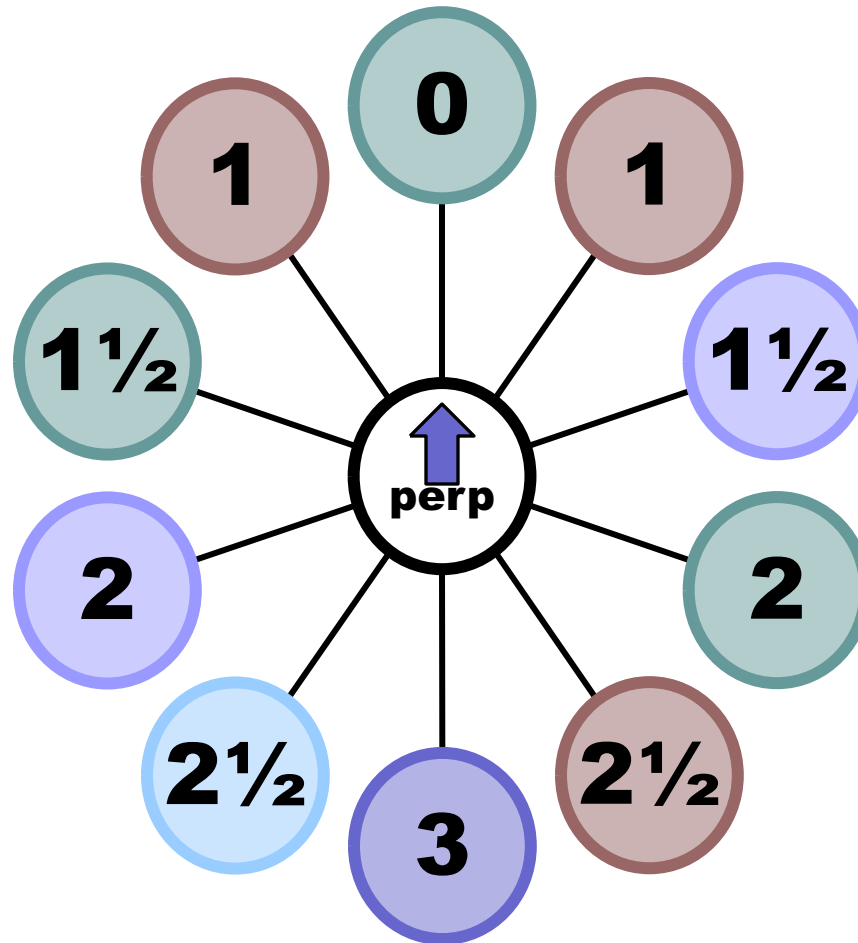
# Officer Safety & Survival

- Danger Zone: arms length
- Reactionary Gap: 6-10 feet
  - 21 feet most safe
- Call back up if available
  - More than one person
  - Night time
  - Bad neighborhood
  - Sense something is wrong

# Officer Safety & Survival

- Always handcuff THEN search
- Treat every call as person with a gun call
- “Plus One” Mentality – Suspects, Weapons, Evidence, etc.
- Weaver stance – gun away
  - Father Murphy look
- Always use Clear, *Concise*, and Convincing verbalizations

# Relative Positioning





# Relative Positioning

- You want superior positioning
  - Suspect should be at disadvantage
- 0 is most dangerous
- 2 ½ is called the escort position
  - Moving suspects
- 3 is safest, but limited
  - Searches conducted from here

## Question 6

The escort position is at:

- A) 0
- B) 1
- C) 1 1/2
- D) 2
- E) 2 1/2

# Handcuffs



# Handcuffs



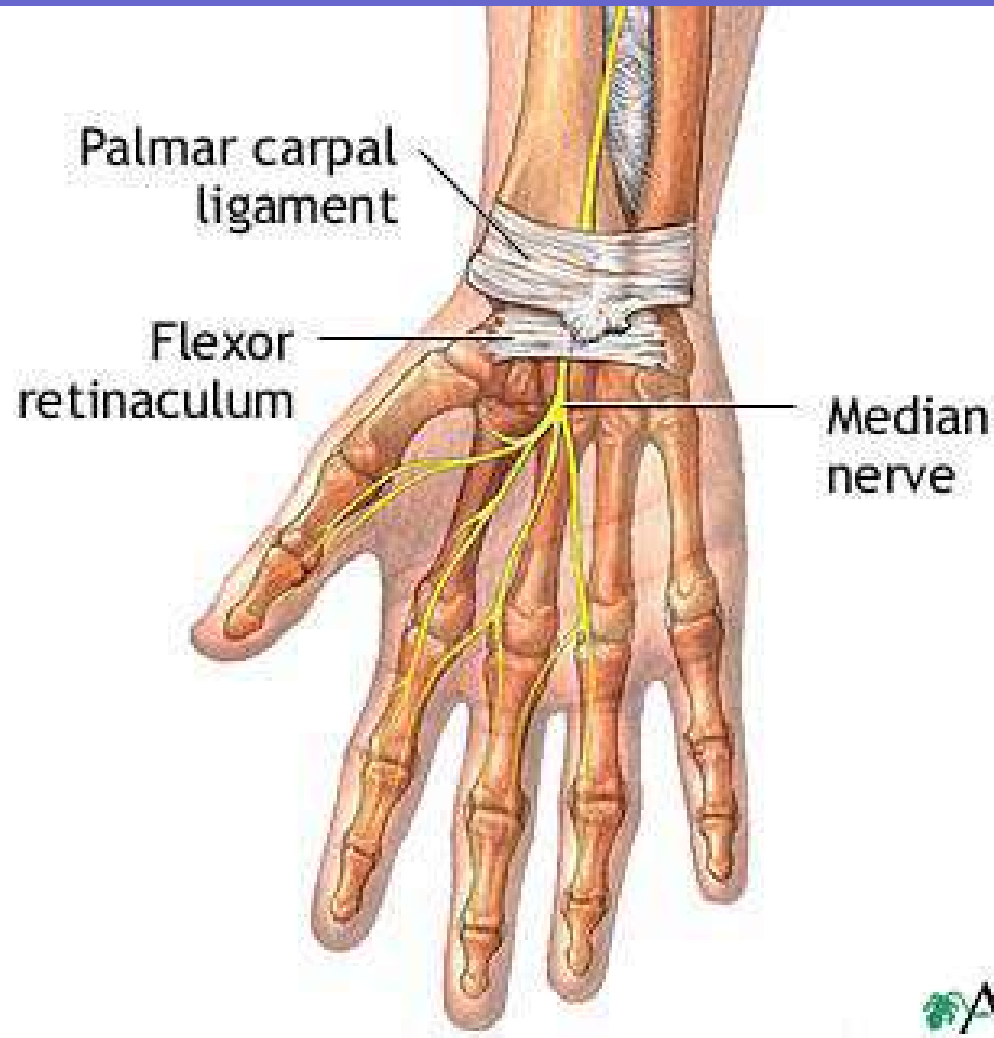
# Handcuffing

- Wait for control – don't let handcuff become weapon
- Balance at all times
- Stay mobile
- Avoid tunnel vision
- Check equipment daily
- Speed Load

# Handcuffing

- Small people/kids may be handcuffed with one cuff
- Large people/disabled may use two sets of cuffs locked together
- Double-locking is critical
- Handcuffing can result in permanent injury

# Wrist Structures



ADAM.

# Question 7

**When handcuffing you should do all of these EXCEPT:**

- A) Maintain balance
- B) Stay focused only on the suspect
- C) Double lock every time
- D) Speed load at beginning of shift
- E) Be careful not to injure the wrist



# Handcuffing Lab

When you get your cuffs:

- Don't keep clicking them
- Be aware you can catch skin in the cuff
- Don't use cuffs unless told to do so
- NEVER leave a handcuffed person unsupported
- NEVER run in handcuffs
- NEVER use my class time to practice escaping from handcuffs

## Question 8

**Which of the following would result in a student being suspended from lab and receive a ZERO?**

- A) Use cuffs before class starts
- B) Run in cuffs
- C) Practice escapes
- D) Walk away from a handcuffed partner
- E) All of the above will result in penalty

# Handcuffing Lab

- Demonstrate Speed Load
- Demonstrate Double Lock
- Demonstrate Handcuffing
  - refer to rubrics

# Communications

- Communications have always been critical
- First: Call boxes
- Vehicle based radios
  - First CB
- Huge handhelds with limited range
- More sophisticated portables
- Palm Pilots
- Cell phones
- Laptops

# Communications

- While security has improved, codes will always be used
  - Provides secrecy – you don't want suspect to know what you know
- “10” Codes – started when radios had to charge up
- Today most departments have code, signals, & phonetic alphabets
  - Most departments are similar

# Communications

- Legislation after 9/11 required “plain language” due to problems on 9/11
  - Not really implemented, but *protocols* were established
- Priority Calls (Fulton County PD)
  - I – Lights and sirens – robbery in progress
  - II – As fast as possible – Alarm
  - III – Held for when officer is open – Noise

# Communications

- Signals (FCPD) – refer to handout
  - Compare to Henry County PD
- Pull in Codes (FCPD) – refer to handout
- Phonetic Alphabets – both acceptable
  - Military
  - International
- Ten Codes (Georgia State Patrol) – refer to handout

# Communications

- Vehicle Formats: CYMBAL
  - Color
  - Year
  - Make – Ford, Chevy, etc.
  - Body Style – Model (if known) and description (4 door, truck, sedan)
  - And
  - License – State first, use phonetic alphabet



# Communications

## ● Person Format:

- Name (if known)

- Sex

- Race

- Age  
(approximate)

- Height

- Weight

- Hair

- Eyes

- Complexion

- Distinguishing  
physical  
characteristics

- Clothing

## Question 9

**10 Codes come from the days when there were not many channels.**

Answer Yes or No.

# Communications

- Always radio in mileage and time when transporting anyone
  - Reduces liability and accusations
- Always radio in location when responding to calls or doing a traffic stop
- Realize that whole department can monitor your radio traffic
- Radio traffic is admissible in court and open to the public (Freedom of Information Act)
  - Dahlmer: responding officer fired

# Radios

- Range depends upon model
  - 2 miles for most handhelds
  - Large areas can be covered with trunking systems
    - Signals boosted
  - Some systems are encrypted
- **ALL** communications are monitored by the FCC
  - \$1,000 - \$500,000 fines obscenity/profanity

## Question 10

Which do you call in first about a person?

- A) sex
- B) weight
- C) hair
- D) weight
- E) race

# ICOM Radio



# ICOM Radio

Transmit



# Radio Protocols

- Two people cannot talk at once
  - Not like telephone
- Squelch can occur if you transmit near other unit
- Count 1000...1001 then speak to allow time for battery to power up
- Wait before responding
  - Don't "walk over" another transmit



# Approach & Arrest of Suspects

**Essential Question:** How is a person properly arrested?