

Florida Law Enforcement Academy

FLORIDA BASIC RECRUIT TRAINING PROGRAM

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**Criminal Justice Standards and Training Commission
Florida Department of Law Enforcement**

Florida Law Enforcement Academy Volume 1
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The training in this course is provided to familiarize students with issues that may involve high liability and/or high stress. FDLE urges students to ensure that their practices are correct in accordance with their agencies' policies and procedures. Employing agencies are solely responsible for guiding their employees' actions in actual situations.

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FDLE Website

A PDF version of the textbook is available here:
<http://www.fdle.state.fl.us/Content/201407.aspx>

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PREFACE

The mission of the Florida Criminal Justice Standards and Training Commission is to ensure that all citizens of Florida are served by criminal justice officers who are ethical, qualified, and well-trained. The Commission certifies officers who complete a Florida Basic Recruit Training Program and gain sworn employment through a Florida criminal justice agency, or who are diversely qualified through experience and training and who meet minimum employment standards.

As staff for the Commission, the Florida Department of Law Enforcement (FDLE) Professionalism Division is responsible for establishing and maintaining officer training programs. Criminal Justice officer training is conducted at 40 Commission-certified training schools housed in Florida criminal justice agencies, community and state colleges, and vocational technical schools. By statute, entrance into the basic recruit training programs for law enforcement and correctional officers is limited to those who have passed a basic skills examination and assessment instrument, which is based on a job task analysis in accordance with s. 943.17(g), F.S. The same job analysis process is used to develop job-related training and performance standards for basic recruit training. Hundreds of officers, residents, and instructors have participated in the development of the officer job analysis and training curricula.

The FDLE Professionalism Division is responsible for ensuring that officer training remains job-related, valid, and up-to-date. Through an annual review and revision of basic recruit training curricula, the Commission ensures that basic recruit graduates are prepared for sworn employment with state or local criminal justice agencies in Florida.

CHAPTER 1

Introduction to Law Enforcement

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Law enforcement officers have the authority to enforce laws and maintain civil order. This responsibility must never be taken lightly. Officers must always act within the boundaries of their authority and uphold the recognized standards of their profession's code of ethics. This chapter provides an overview of the law enforcement training program and the requirements for students to become sworn officers; gives students instruction on basic criminal justice values and ethics; defines sexual harassment and ways to avoid compromising interactions with other officers and the public; and emphasizes the command structure within a criminal justice agency. Students will also receive a basic understanding of the structure and components of the criminal justice system.

LESSON 1 | Officer Training Program Overview

OBJECTIVES

- LE709.1.** List the statutory requirements for successful completion of the Basic Recruit Training Program as provided by the Criminal Justice Standards and Training Commission.
- LE709.2.** Provide an overview of the creation and composition of the Criminal Justice Standards and Training Commission.
- LE709.3.** Explain the purpose of the Criminal Justice Standards and Training Commission as identified in the Florida Statutes.
- LE709.4.** Describe the Florida Law Enforcement Basic Recruit Training Program as provided by the Criminal Justice Standards and Training Commission.
- LE709.5.** Identify the statutory penalties established in the officer disciplinary process by the Criminal Justice Standards and Training Commission.
- LE709.6.** Summarize the Officer Bill of Rights as provided in the Florida Statutes.

LESSON GOAL: At the end of this lesson, you will understand the roles and responsibilities of the Criminal Justice Standards and Training Commission and the requirements for certification as a law enforcement officer in the state of Florida.

Every person who enters this training program has one goal in mind: to become a sworn law enforcement officer in the state of Florida. Section 943.10(1), F.S., provides the following definition:

“Law enforcement officer” means any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state.

This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers, but does not include support personnel.

You may have questions about the process of becoming a Florida law enforcement officer. This section covers some of the requirements for officer training and certification.

The Florida Statutes and certain rules in the Florida Administrative Code (F.A.C.) approved by the Criminal Justice Standards and Training Commission (CJSTC) provide the requirements and standards for the training and certification process of Florida criminal justice officers. To successfully complete this basic recruit training course, recruits must achieve a passing score on each of the written end-of-course examinations. Recruits must also demonstrate proficiency in the DUI Traffic Stops course and in the high liability courses (vehicle operations, first aid, firearms, and defensive tactics), as well as participate in the CJSTC Physical Fitness Program. See Rules 11B-35.001 and 11B-35.0024, F.A.C.

Ultimately, recruits are individually responsible for their own success in this academy. Recruits must strictly adhere to these requirements and follow the academy rules and regulations. The Florida Law Enforcement Basic Recruit Training Program has been approved according to the guidelines set by law and the CJSTC rules.

Criminal Justice Standards and Training Commission

The Criminal Justice Standards and Training Commission, composed of 19 members representing criminal justice professionals throughout the state, was created to oversee the certification, employment, training, maintenance of officer records, and conduct of Florida law enforcement, correctional, and correctional probation officers. The Commission meets quarterly with a purpose “to ensure that the citizens of the state of Florida are served by the most qualified, well-trained, competent, and ethical criminal justice officers in the nation.”

In pursuit of these goals, the Commission is committed to delivering quality standards and training and increasing the professionalism of officers throughout the state.

Section 943.09, F.S., created the Criminal Justice Professionalism Program (CJPP) within the Florida Department of Law Enforcement (FDLE) to support and assist the Commission in the execution, administration, implementation, and evaluation of its powers, duties, and functions.

Officer Certification

Section 943.13, F.S., sets the minimum requirements and standards that a person needs to meet before becoming certified as an officer. An officer must meet the following requirements:

- be at least 19 years of age
- be a citizen of the United States
- be a high school graduate or equivalent
- have processed fingerprints on file with the employing agency
- have passed a physical examination by a licensed physician based on specifications established by the Commission
- have a good moral character, as determined by a background investigation under procedures established by the Commission
- submit an affidavit attesting to compliance (a signed document agreeing to abide by all Commission rules)
- have satisfactorily completed a Commission-approved course of basic recruit training
- have satisfactorily passed a state examination in the respective specialty
- not have been convicted of any felony or of a misdemeanor which involves perjury or a false statement, regardless of withholding of adjudication or suspended sentence
- not have received a dishonorable discharge from any of the Armed Forces of the United States

A recruit has four years from the starting date of the basic recruit training to complete the certification process. In order to become ***certified*** (sworn) as a law enforcement officer, a person must do all of the following:

- meet all the minimum requirements and standards
- complete the approved basic recruit training

- pass the State Officer Certification Examination
- become actively employed with a law enforcement agency in an auxiliary, part-time, or full-time sworn officer position

Simply completing the basic recruit training and passing the certification exam does not mean that a person is certified.

For example, if Rob Recruit begins basic recruit training on July 1, 2014, he must meet all the minimum requirements and standards, complete the approved basic recruit training, pass the State Officer Certification Examination, and become actively employed with a law enforcement agency as a sworn officer by June 30, 2018. If Rob Recruit does not meet all of these requirements by June 30, 2018, he will have to repeat the basic recruit training, at which time a new four-year period begins.

State Officer Certification Examination

Upon completion of a basic recruit training program, an individual must then pass the State Officer Certification Examination (SOCE) to become certified as a law enforcement officer. An applicant must pass the SOCE within three attempts.

Information about the SOCE can be found in the Applicant Information Handbook available at criminal justice training academies or online at www.fdlle.state.fl.us. Other information on the website includes SOCE schedules, registration information, exam topics, and example questions.

Officer Compliance

When a recruit is being hired by a law enforcement agency, the agency will conduct a thorough background investigation to determine his or her moral character prior to employment with the agency. If a recruit has entered the academy prior to employment, the recruit is subject to the same moral character requirements as active certified officers and may be denied certification by the Commission if evidence indicates noncompliance with these standards.

Disciplinary Action

In addition to certifying criminal justice officers, the Commission has the authority to take disciplinary action against an officer's certification if the officer fails to maintain the required standards of conduct.

The Commission may take action against an officer's certification if the officer does the following:

- pleads nolo contendere, pleads guilty, or is found guilty of any felony
- pleads nolo contendere, pleads guilty, or is found guilty of a misdemeanor involving perjury or false statement
- fails to maintain good moral character as defined by the Florida Statutes and Florida Administrative Code (CJSTC Rule 11B-27, FAC)
- commits any act constituting a felony offense, regardless of criminal prosecution
- commits any act constituting any of a specified group of serious misdemeanor offenses, regardless of criminal prosecution
- commits any principal, accessory, attempt, solicitation, or conspiracy, pursuant to Chapter 777,

Florida Statutes, where there would have been a felony offense had the crime been committed or completed

- commits any act in any jurisdiction other than the state of Florida, which if committed in the state of Florida, would constitute a felony, any of the specified serious misdemeanors, or a violation of Chapter 777, Florida Statutes
- tests positive for controlled substances by a urine or blood test, in accordance with the requirements for testing reliability and integrity set forth in Rule 11B-27.00225, FAC
- commits an act of excessive use of force under color of authority under Rule 11B-27.0011(4)(c)1., F.A.C.
- engages in sexual harassment involving physical contact or misuse of official position
- misuses the official position, as defined by s. 112.313(6), F.S.
- engages in sex while on duty
- has unprofessional relationships with an inmate, detainee, probationer, parolee, or community contollee; has written or oral communication that is intended to facilitate conduct which is prohibited by Commission rule; engages in any physical contact not required in the performance of official duties that is normally associated with the demonstration of affection or sexual misconduct as defined in s. 944.35(3), F.S.
- makes false statements during the employment process
- subverts or attempts to subvert the officer certification examination process pursuant to Rule 11B-30.009(3), F.A.C.
- subverts or attempts to subvert the CJSTC-approved training examination process or an employing agency's promotional examination process pursuant to, but not limited to, acts described in Rule 11B-27.0011(4)(c)9., F.A.C.

Officers can read more about the disciplinary process in Rule 11B-27.0011(4)(a-d), F.A.C.

The Commission may take disciplinary action against an officer's certification in keeping with an established set of penalty guidelines. These penalties include a written reprimand, probation of up to two years (with or without mandatory retraining or counseling, if applicable), suspension of up to two years (with or without mandatory retraining or counseling, if applicable), and revocation of certification.

Under Florida law, the Commission must revoke an officer's certification if he or she is convicted, pleads guilty or ***nolo contendere*** (where an individual does not accept or deny responsibility for the charges but agrees to accept punishment), or is found guilty of any felony offense, regardless of withholding of adjudication or suspension of sentence. In these cases, the Commission has no discretion; the penalty is revocation. See s. 943.1395(6), F.S. When the Commission revokes an officer's certification, the officer can no longer work as a certified officer in the state of Florida.

While these guidelines are specific to sworn officers, the Commission and the academy expect recruits to adhere to the standards of conduct during basic recruit training. Violating them may result in the denial of officer certification.

Because of the nature of the job, law enforcement officers are held to the highest standard. The knowledge

SECTION VOCABULARY*certified**nolo contendere*

and skills that you will learn in this basic recruit training program will prepare you for a rewarding and satisfying career in the criminal justice profession. The Commission, the training academy, and the employing agency are devoted to ensuring that you are fully trained and ready to assume the duties of a Florida law enforcement officer.

Law Enforcement Officer's Bill Of Rights

Section 112.532, F.S., provides certain protections "whenever a law enforcement officer... is under investigation and subject to interrogation by members of his or her agency for any reason that could lead to disciplinary action, suspension, demotion, or dismissal..." These protections include:

- The officer under investigation must be informed of the nature of the complaint, the identity of the complainant, and must have the opportunity to review all evidence prior to the interrogation.
- The interrogation shall be conducted at a reasonable hour, preferably while the officer is on duty.
- The interrogation shall take place at the office of the command.
- The officer under investigation shall be informed of the rank, name, and command of the officer in charge of the investigation, the interrogating officer, and all people present during the interrogation.
- All questions directed to the officer under interrogation shall be asked by or through one interrogator during any one investigative interrogation, unless specifically waived by the officer under investigation.
 - Interrogation sessions shall be limited to reasonable periods of time.
 - The officer under interrogation may not be subjected to threats or coercion.
 - The interrogation must be recorded.
- The officer under investigation has the right to counsel.
- Whenever an officer is subject to disciplinary action, he or she has the right to address interrogation findings before discipline is imposed.
- If a law enforcement agency does not follow any of the above provisions, the officer should follow the procedures outlined in section 112.534., F.S.

Refer to ss. 112.531–112.534, F.S., for further information regarding the Officer Bill of Rights.

LESSON 2 | Criminal Justice Values and Ethics

LESSON GOAL: At the end of this lesson, you will understand the importance of ethics, values, and professionalism, both in your personal life and in your role as a law enforcement officer, and be able to make ethical decisions using the model suggested in this lesson.

Values and Ethics

Values are principles, standards, or qualities considered worthwhile or desirable. They are core beliefs or desires that guide or motivate one's attitudes and actions. They also define the things that we prize the most. Therefore, they provide the basis for ranking those things we want in a way that elevates some over others. Thus, values determine how people behave in certain situations.

Personal values are an individual's convictions about what is right and wrong, based on religious beliefs, cultural roots, family background, personal experiences, laws, organizational values, professional norms, and political habits. The personal values that students bring to the academy shape their behavior. These will not be the best values for making ethical decisions as an officer—not because they lack importance, but because they are not universal. Examples of personal values include attitudes about work, courage, honesty, fairness, friendship, trustworthiness, respect, responsibility, compassion, service, self-discipline, caring, and citizenship.

Ethics is a standard of conduct based on moral duties and virtues that are derived from the principles of right and wrong. Ethics indicate how a person should behave.

Ethical principles are rules of conduct derived from ethical values. These values may give rise to many principles in the form of specific "do's and don'ts." Honesty is an important ethical value. Some of the characteristics associated with honesty include truthfulness and fairness. **Ethical behavior** is principled, value-based decision making, practiced daily.

Ethical behavior in law enforcement includes treating all people with courtesy and fairness, refusing to accept or offer gratuities, preserving evidence, giving true and impartial testimony, obeying all laws and regulations, protecting the civil rights of everyone, and respecting confidential and privileged communication.

Influences on Ethical Problem Solving

Many factors affect how individuals solve problems and whether or not they do so in an ethical manner. Some officers come from families that emphasize strong values, while others are taught that everything is acceptable as long as they are not caught. Other individuals grow up in violent neighborhoods, possibly exposed to inappropriate activities. The influence of family members and peers can greatly affect how officers solve problems. Values instilled during childhood can affect an officer's decisions in adulthood.

OBJECTIVES

LE702.1. Explain how values and ethics apply to a law enforcement officer's behavior.

LE702.2. Explain unethical behavior as it relates to a law enforcement officer's duties.

LE702.3. Explain confidential information as it applies to law enforcement.

LE702.4. Explain conflict of interest in ethical behavior as it applies to law enforcement.

LE702.5. Identify the approved ethical standards of conduct as provided in the Law Enforcement Code of Ethics.

LE702.6. Explain unprofessional behaviors that law enforcement officers must avoid when interacting with members of the community.

LE702.7. List examples of ethical decision-making considerations while on or off duty.

Officers' pasts are by no means the only things that influence their current problem-solving abilities. Coworkers can influence the way officers respond to a problem by their attitudes alone, whether they are positive and upbeat or cynical and negative. The way officers view their roles and the roles of their coworkers can also have a large impact on their actions.

Home life is especially important—it can affect everything from officers' views of the world to their behaviors and decision making. A good support system in place at home can give officers confidence in their opinions. Honest communications and working out differences at home enhance an officer's ability to communicate with others on the job.

Officers' time in the academy can also influence how they respond to situations both in and outside the criminal justice field. Instructors should display professionalism and act as mentors and role models, extending respect and courtesy to all members of the academy. Students should take advantage of the fact that instructors are experts in their fields.

Criminal justice professionals may face unique situations regarding the people they are sworn to protect and serve. Some people within the communities that officers patrol voice or show negative feelings toward law enforcement that might encourage officers to respond unprofessionally.

An officer's job is filled with stress. If not properly managed, stress may affect how officers respond to their duties and could lead to unprofessional conduct.

Unethical Behavior

Society considers certain types of behavior unethical; laws criminalize some unethical behavior. Unethical behaviors that law enforcement officers should be on guard against include engaging in bribery, committing perjury, and misusing their position or authority. Officers should also be wary of divulging privileged communication, engaging in situations that present a conflict of interest, and accepting inappropriate gratuities.

Bribery is defined in s. 838.015, F.S., as follows:

...corruptly to give, offer, or promise to any public servant, or, if a public servant, corruptly to request, solicit, accept, or agree to accept for himself or herself or another, any pecuniary or other benefit not authorized by law with an intent or purpose to influence the performance of any act or omission which the person believes to be, or the public servant represents as being, within the official discretion of a public servant, in violation of a public duty, or in performance of a public duty.

Perjury may be defined as a false statement that a person makes under oath but does not believe to be true. Criminal violations differ depending on the situation in which an individual commits perjury. In official proceedings—for example, testifying in court or giving a deposition—perjury is considered a felony. See s. 837.011(1), F.S.

Misuse of Position of Authority

Section 112.313(6), F.S., states the following:

No public officer, employee of an agency, or local government attorney shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others.

Section 815.06(1)(a), F.S., makes it a felony to “willfully, knowingly, and without authorization” access or allow access to any computer, computer system, or computer network. Officers accessing any criminal justice databases, such as the Florida Driver and Vehicle Information Database (DAVID), the Florida Crime Information Center/National Crime Information Center (FCIC/NCIC), and the Florida Criminal Justice Network (CJNET) for “curiosity” purposes risk being prosecuted under s. 815.06, F.S. In addition, officers may be held civilly liable for this type of activity.

Confidential Information

A law enforcement officer spends a great deal of time collecting information. Privacy, trust, and loyalty are important to maintain when people volunteer information or act as informants. New officers should use discretion when divulging job-related information in unofficial situations. They should not gossip, discuss, or post on social media information about cases with friends, relatives, the public, or others. This obligation extends to both off and on duty time. Examples of inappropriate sharing are divulging information obtained from a criminal justice database, sharing crime scene photos, or identification of victims, witnesses, or suspects. Doing so may jeopardize ongoing departmental investigations and result in serious consequences for the officer and his or her department. If an officer divulges privileged information for non-law enforcement purposes, he or she could face agency and CJSTC disciplinary action.

Conflict of Interest

For the public to maintain its faith in the integrity and impartiality of law enforcement officers and their departments, officers must avoid taking or influencing official actions that could conflict with their responsibilities. There are several prohibitions describing the standards of conduct related to a **conflict of interest**. For instance, an officer must—unless required by law or policy—refrain from becoming involved in official matters. You cannot influence the actions of other officers in official matters or influence another officer’s immediate family, relatives, or people with which the officer has had any significant personal, business, or employment relationships.

In addition, you must not engage in any off-duty employment if the position compromises or would reasonably tend to compromise your ability to impartially perform official duties.

A **gratuity** is anything of value intended to benefit the giver more than the receiver; it is something given to a person because of that person’s position or authority. This is an ethical issue that law enforcement officers face. Whenever a situation involving a gratuity arises, an officer should ask and respond ethically to the following questions: “Does this person want something from me?” “Would I be offered this if I were not a law enforcement officer?” “What is expected in return?”

Professionalism

Professionalism is behavior that demonstrates good character and is marked by pride in self and career. Examples of these characteristics include service, integrity, respect, quality, fairness, honesty, courage, compassion, moral/ethical leadership, trustworthiness, and common sense.

Ethics, personal values, and professionalism are inseparably intertwined, and each element is essential in a law enforcement officer's personal and professional life.

Ethics Codes

Some national law enforcement organizations have established general codes of ethics for law enforcement officers. Agencies generally adopt one of these codes or create a code that is specific to each agency and its mission. Furthermore, s. 112.313, F.S., specifies certain standards of conduct for public officers. Other sections of the statutes set forth the punishment for violating ethical standards.

Sections of Florida Statutes Related to Ethical Conduct and Violations

s. 92.525, F.S.	Perjury by false written declaration.
s. 837.012, F.S.	Perjury when not in an official proceeding.
s. 837.02, F.S.	Perjury in official proceedings.
s. 837.021, F.S.	Perjury by contradictory statements.
s. 837.05, F.S.	False reports to law enforcement authorities.
s. 837.06, F.S.	False official statements.
s. 838.015, F.S.	Bribery.
s. 838.016, F.S.	Unlawful compensation or reward for official behavior.
s. 839.20, F.S.	Refusal to execute criminal process.
s. 839.26, F.S.	Misuse of confidential information.
s. 914.14, F.S.	Witnesses accepting bribes.

The Law Enforcement Code of Ethics provides specific principles by which law enforcement officers operate with respect to ethical values and expectations. The Law Enforcement Oath of Honor gives officers a shorter version of these same ethical values that can be better anchored into long-term memory for easy recall when they are confronted with ethical dilemmas and stressful situations.

Become familiar with the laws related to ethical conduct, the Code of Ethics, and the Oath of Honor, and conduct yourself according to these principles.

Law Enforcement Code of Ethics

As a law enforcement officer, my fundamental duty is to serve the community; 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 to liberty, equality, and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will 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 both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a 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 officially or permit personal feelings, prejudices, political beliefs, aspirations, 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 police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement.

Source: International Association of Chiefs of Police at www.theiacp.org (as of 3-18-13)

Law Enforcement Oath of Honor

On my honor, I will never betray my badge, my integrity, my character, or the public trust.

I will always have the courage to hold myself and others accountable for our actions.

I will always uphold the Constitution, my community, and the agency I serve.

Source: International Association of Chiefs of Police at www.theiacp.org (as of 3-18-13)

Unprofessional Behaviors to Avoid

Stereotyping is a fixed and unvarying idea or opinion of a person, group, or subject.

Labeling people, whether positively or negatively, may limit an officer's ability to obtain information or help a victim. Judging a person based on generalizations may cause you to lose valuable information and clues about that person, resulting in missing important situational context that could otherwise help save a life. Both positive and negative stereotypes hurt because they categorize people unfairly; therefore, they are not acceptable practices. Officers should exhibit respect and integrity to all, regardless of race, age, sex, religion, national origin, economic status, or physical and mental ability.

Bias or prejudice is a strong belief or feeling about a person, group, or subject, whether positive or negative, that is formed without reviewing all available facts or information. Prejudices may grow from learned behavior and attitudes. Citizens or officers who act with prejudice may exhibit inappropriate behavior toward individuals or groups who represent a race, color, ancestry, ethnicity, religion, sexual orientation, national origin, homeless status, mental or physical disability, advanced age or other self-defining characteristic. This type of behavior may be destructive and can invite civil liability.

Discrimination is the negative behavior toward a person or group that is based on color, race, sex, age, religion, ethnic and national origin, handicap, and/or marital status. Discrimination occurs because people choose to act on their prejudices. Each person has the right to live and work free from discrimination and prejudice.

Perception is the impression in a person's mind of an individual, a group of people, or events based on experiences, biases, beliefs, assumptions, and observations. People respond to situations based on their perceptions. An officer's beliefs, values, and life experiences influence the officer's behavior and view of others' behaviors. Perception also helps an officer develop and form personal opinions when communicating with people of different ages, genders, races, and physical and mental abilities. Likewise, others perceive an officer based on their life experiences, beliefs, and values.

An assumption is a notion, statement, or belief about a person, group, or event that may or may not be factual. People make assumptions when they consider something to be true or false without proof or demonstration. Assumptions are interpretations of what experience reveals and may not always be accurate.

The following are examples of often false assumptions:

Young people are disrespectful to elders and authority.

Older people pose no threat to officers.

Using stereotypes, perceptions, and assumptions to judge people limits officers' thought processes and may cause them to exclude vital information in an investigation. Limiting possibilities minimizes safety. Stereotypes, perceptions, and assumptions may cause an officer to act on emotions rather than plan a response. Responsive behavior requires an officer to think, plan a response, and act using verbal and nonverbal skills.

The Ethical Decision Making Tool is an assessment tool that can assist officers in making decisions in difficult ethical situations. It guides officers through a series of questions that encourage them to think through what they plan to do. It analyzes alternative actions that can accomplish the goal.

Ethical Decision Making

1. Is my action legal?

If no, stop! What action should I take?

If yes, ask the next question.

2. Will the result of my action be good?

If no, stop!

If yes, ask the next question.

3. Will what I plan to do actually work?

If no, stop!

If yes, ask the next question.

4. Is there a less harmful alternative?

If yes, stop and use the less harmful alternative!

If no, ask the next question.

5. Does it undermine some equal or more important value?

If yes, stop!

If no, go ahead with the decision.

6. Does a good end ever justify a bad means?

No!

7. Will I be able to justify my action if my decision is made public?

If no, stop!

If yes, go ahead with the decision.

SECTION VOCABULARY

assumption

bias/prejudice

bribery

conflict of interest

discrimination

ethics

ethical behavior

ethical principles

gratuity

perception

perjury

personal values

professionalism

stereotyping

values

LESSON 3 | Sexual Harassment

OBJECTIVES

LE707.1. Explain sexual harassment as provided in federal case law.

LE707.2. Explain sexual harassment in the workplace in accordance with Title VII of the Civil Rights Act of 1964 and federal case law.

LE707.3. Identify appropriate responses to sexual harassment as provided by the Equal Employment Opportunity Commission.

LE707.4. Describe the consequences which may be imposed on an officer as a result of sexual harassment in the workplace.

LE707.5. Identify effective strategies for preventing sexual harassment in the workplace.

LESSON GOAL: At the end of this lesson, you will understand what sexual harassment is, how to recognize inappropriate behavior in the workplace, what your required response to sexual harassment must be, and what the consequences are for this inappropriate behavior.

Laws Related to Sexual Harassment

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. The courts have held that intent is not a factor in determining what constitutes sexual harassment. Rather, they focus on the impact of the conduct. Stating that “I didn’t mean anything by it” has no relevance to a determination of whether sexual harassment occurred. See *Burlington Industries v. Ellerth*, 524 U.S. 742 (1998).

Courts use the reasonable person legal standard to determine if behavior constitutes sexual harassment. It is not what message the offending party intended to give, but whether a reasonable person in the same circumstances as the complainant would find the behavior offensive.

Discrimination is the negative behavior toward a person or group that is based on color, race, sex, age, religion, ethnic and national origin, handicap, and/or marital status. Sexual harassment is a form of discrimination.

Sexual Harassment in the Workplace

Every employee has a right to work in an environment free of sexual harassment and hostile conditions. Respecting others is an important aspect of ethical behavior and professionalism. According to the federal Civil Rights Act of 1964, Title VII, it is unlawful for employers to discriminate in the workplace. Courts have held employers responsible for acts of sexual harassment by their employees in the workplace. See *Meritor Savings Bank v. Vinson*, 477 U.S. 57 (1986).

Some examples of sexual harassment behavior include verbal, nonverbal, and physical actions. Verbal actions can include giving sexual compliments, pressuring someone for dates, or ridiculing with a sexual message. Nonverbal actions can include making facial gestures, displaying nude pictures, or using suggestive body language. Physical actions may include touching and brushing against someone, hugging and patting, or horseplay.

The harasser or the victim may be a woman or a man. The victim does not have to be of the opposite sex. The harasser could be the victim’s supervisor, an employee supervised by the victim, a supervisor or manager in another area, a coworker, or even a nonemployee. The victim can also be a third party affected by the offensive

conduct; for example, someone could be offended by overhearing lewd banter between consenting parties. The third party may make a complaint against the people engaging in the lewd conversation.

Harassment occurs when the harasser intends to unreasonably interfere with a person's performance or create an intimidating, hostile, or offensive working environment. Whether the receiver submits to or rejects the harassment, he or she may have to make career or employment decisions due to this other person's conduct.

In the work environment, sexual harassment may manifest itself in two forms. ***Quid pro quo*** is a Latin term that means "something for something in return." An example of quid pro quo harassment is when a supervisor demands sexual favors from an employee in return for allowing that employee to continue to work. The employee believes that any complaint will result in job loss. A ***hostile work environment*** is an office culture where lewd jokes or other offensive habits are acceptable. For example in such an environment, if someone posted explicit photographs and posters in a coffee break room, an uncomfortable employee may not complain for fear of negative consequences.

A workplace that allows sex-based discussions, humor, banter, posters, etc. promotes a hostile work environment. For law enforcement employees, it is becoming increasingly difficult to define the workplace. Court cases have created a very wide definition of where people work. Regardless of the actual location, any place that an officer goes as a representative of his or her agency may be viewed as the workplace, including a police station, a patrol car, court, or a training academy.

Responses to Sexual Harassment

When harassment occurs, the person being offended has several options. For one, he or she can inform the offender that the behavior is unwelcome. Personally discussing the offense with the people involved may resolve the issue without further action. The person being harassed must make it clear that he or she wants the words and behavior to stop. The offended should also prepare for resistance and possible repercussions.

Additionally, those being harassed should review and follow the agency's discrimination policies and procedures for filing a complaint. Many agencies have trained staff members who act as resources for sexual harassment complaints, procedures, and training. The behavior may be reported to a supervisor or member of management, either informally or formally, as policy dictates. If the conduct becomes criminal, the affected party may make a report to the appropriate law enforcement agency.

The Equal Employment Opportunity Commission (EEOC) is the governmental agency that enforces compliance with the Civil Rights Act (Title VII). The harassed party has the right to file a complaint with the EEOC and consult with an attorney.

Consequences of Sexual Harassment

An officer who engages in sexual harassment may face severe consequences. The officer's agency may impose internal disciplinary action such as mandatory retraining, leave without pay, loss of rank, and even termination. The CJSTC could revoke the officer's certification. If a lawsuit is filed, the courts may impose monetary damages. In a criminal case such as stalking, battery, assault, or official misconduct, an officer could face imprisonment.

SECTION VOCABULARY

hostile work environment

quid pro quo

sexual harassment

Preventing Sexual Harassment

Like all acts of discrimination, sexual harassment is not always easy to define. Training and communication are the keys to understanding and preventing sexual harassment. To prevent liability, officers should follow the law and agency policy. Officers also should avoid engaging in behavior that could be misinterpreted. They should act professionally at all times. Any officer or coworker needs to address any inappropriate behavior as soon as it occurs to prevent escalation.

LESSON 4 | Structure of the Criminal Justice System

LESSON GOAL: At the end of this lesson, you will be familiar with the criminal justice system and its functions, including the areas of law enforcement, courts, and corrections.

The Criminal Justice System

A law enforcement officer is a small piece of a large, complex system known as the Criminal Justice System. Law enforcement officers play an important role in the Criminal Justice System and interact on a regular basis with other parts of the system. An officer's ability to interact effectively within the system directly affects the officer's job performance.

Criminal justice refers to the structure, functions, and decision-making processes of those agencies that deal with the management and control of crime and criminal offenders. The three main components of the criminal justice system are law enforcement, the court system, and corrections.

Law enforcement is responsible for the enforcement of and maintaining civil order. The **court system** is responsible for the interpretation of laws. **Corrections** is responsible for enforcing punishment as defined by the court system.

There are four levels of law enforcement agencies within the United States: local or municipal, county, state, and federal (U.S. government agencies). Local or municipal law enforcement agencies enforce the ordinances of the municipality as well as state laws within the jurisdiction of the agency. The job of county law enforcement agencies is to enforce county ordinances and state laws within the county. Traditionally, they also handle unincorporated areas, the county jail, and civil processing.

State law enforcement agencies are responsible for enforcing state laws within the state. Federal law enforcement agencies enforce federal laws across state lines and within the states.

The single largest segment of American law enforcement is found at the local level and comprises over 75 percent of total sworn personnel. There are over 17,000 different law enforcement agencies in this country. Florida has more than 17,000 municipal police officers and more than 19,000 deputy sheriffs. Each level is responsible for enforcing the laws in its jurisdiction.

OBJECTIVES

LE708.1. Describe the relationships between the major components of the U.S. Criminal Justice System.

LE708.2. Summarize the basic structure of the U.S. Criminal Justice System as provided in the U.S. Constitution.

LE708.3. Give examples of municipal or local law enforcement agencies in Florida.

LE708.4. Give examples of county law enforcement agencies in Florida.

LE708.5. Give examples of state law enforcement agencies in Florida.

LE708.6. Give examples of federal law enforcement agencies in the U.S. Criminal Justice System.

LE708.7. Describe the structure of the U.S. and Florida court systems.

LE708.8. Describe the primary personnel of the U.S. court system.

LE708.9. State the primary components of the U.S. corrections system.

Examples of Municipal Law Enforcement Agencies

Note: This list does not include all municipal law enforcement agencies.

Police Departments: The local police department is responsible for enforcing the laws and ordinances within its jurisdiction. For example, a city police department is responsible for law enforcement within the municipal city limits; a college or university police department is responsible for law enforcement on property.

Public Safety Departments: Some Florida municipalities have Public Safety Departments, which combine police, fire, and emergency medical services.

Examples of County Law Enforcement Agencies

Note: This list does not include all county law enforcement agencies.

Sheriff's Office: County law enforcement agencies in Florida are composed mainly of Sheriff's Offices/Departments. In Florida, the primary role of the Sheriff's Office is law enforcement. Sheriffs in the state of Florida are elected in countywide elections. Traditionally, these agencies are responsible for law enforcement in the unincorporated areas of the county, the county jail, and civil processing. Civil processing involves law enforcement's assistance to the court system, which can include serving subpoenas, enforcing eviction notices, and providing court bailiffs.

Examples of Florida State Law Enforcement Agencies

Note: This list does not include all state law enforcement agencies.

Florida Department of Law Enforcement (FDLE), www.fdle.state.fl.us: The mission of the FDLE is to promote public safety and strengthen domestic security by providing services in partnership with local, state, and federal criminal justice agencies to prevent, investigate, and solve crimes while protecting Florida's citizens and visitors. The agency provides investigative, forensic, and protective services in several key investigative focus areas: major drug crime, violent crime, child predator cybercrime, public integrity, fraud/economic crime, and domestic security.

In addition, the FDLE supports the Criminal Justice Standards and Training Commission in the establishment and oversight of criminal justice officers, standards, and training.

Florida Highway Patrol (FHP), Department of Highway Safety and Motor Vehicles, www.flhsmv.gov: The FHP promotes a safe driving environment through proactive law enforcement, public education, and safety awareness.

These practices and FHP's values of courtesy, service, and protection help the FHP reduce the number and severity of traffic crashes in Florida, preserving and protecting human life and property. The Florida Highway Patrol Commercial Vehicle Enforcement office (FHP/CVE) performs safety inspections on commercial vehicles and enforces traffic laws, with a focus on commercial motor vehicle violations and passenger vehicle interactions with large trucks.

Florida Fish and Wildlife Conservation Commission (FWC), www.myfwc.com: The FWC Division of Law Enforcement is charged with the vital responsibility of providing wildlife and marine law enforcement services along more than 8,400 miles of Florida's saltwater coastline and 37 million acres of land and fresh water. The FWC may also enforce federal wildlife laws. FWC also is responsible for patrolling state forest and recreation lands, greenways, and trails. FWC is tasked with enforcing environmental crimes (not disaster response) and aquaculture violations.

Florida Department of Environmental Protection (DEP), www.dep.state.fl.us: The Department of Environmental Protection is responsible for responding to environmental disasters.

Division of Alcoholic Beverages and Tobacco (ABT), Department of Business and Professional Regulation, www.myfloridalicense.com: The Bureau of Law Enforcement is responsible for the management of ABT's law enforcement and investigation programs. These responsibilities include conducting license discipline investigations; providing guidance, direction, and leadership to licensees; conducting criminal investigations pursuant to alcohol and tobacco laws and statutes; and determining the need for using extraordinary emergency suspension powers when a business licensed by ABT has become an immediate danger to the health, safety, and welfare of Florida's citizens.

Department of Agriculture and Consumer Services, www.freshfromflorida.com: The Office of Agricultural Law Enforcement (AgLaw) inspects all agricultural products that pass across the borders of Florida. These include food products, aquacultural and agricultural products, livestock, and plant materials. AgLaw is also involved in investigations of consumer fraud, especially in the areas of telemarketing and vehicle repair. It investigates criminal cases concerning the theft of farm equipment and livestock.

Florida Department of Financial Services, www.myfloridacfo.com:

State Fire Marshal: The Bureau of Fire and Arson Investigations is the law enforcement branch of the Division of State Fire Marshal. It investigates possible criminal activities related to fire.

Division of Insurance Fraud: This division investigates possible criminal activities related to the insurance industries (life, health, title, worker's compensation).

Florida Office of the Attorney General, www.myfloridalegal.com:

Medicaid Fraud Control Unit: This unit investigates fraud committed by health care providers and the abuse, neglect, and exploitation of the elderly, ill, and disabled residents of healthcare facilities.

Economic Crimes: This division is responsible for investigating all multi-circuit violations of the Florida Deceptive and Unfair Trade Practices Act and works with the Federal Trade Commission when investigating national companies.

Examples of Federal Law Enforcement Agencies

Note: This list does not include all federal law enforcement agencies.

The Department of Justice

Federal Bureau of Investigation (FBI), www.fbi.gov: The mission of the FBI is to uphold the law by investigating violations of federal criminal law to protect the United States from foreign intelligence and terrorist activities; to provide leadership and law enforcement assistance to federal, state, local, and international agencies; and to perform these responsibilities in a manner that is responsive to the needs of the public and faithful to the Constitution of the United States.

Drug Enforcement Administration (DEA), www.justice.gov/dea: The mission of the Drug Enforcement Administration is to enforce the controlled substances laws and regulations of the United States and to recommend and support non-enforcement programs aimed at reducing the availability of illicit controlled substances in the domestic and international markets.

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), www.atf.gov: ATF enforces federal laws and regulations relating to alcohol and tobacco products, firearms and explosives, and acts of arson.

United States Marshals Service, www.justice.gov/marshals: The mission of the United States Marshals Service is to protect the federal courts and ensure the effective operation of the judicial system. The Marshals Service is responsible for providing protection for the federal judiciary, transporting federal prisoners, protecting endangered federal witnesses, managing assets seized from criminal enterprises, and pursuing and arresting federal fugitives.

The Department of Homeland Security

United States Secret Service, www.secretservice.gov: The Secret Service is charged with protecting the President and Vice President of the United States and their immediate families, the President-elect and Vice President-elect and their immediate families, former Presidents and their wives, the widows of former Presidents until death or remarriage, minor children of a former President until they reach 16 years of age, and visiting heads of foreign states or foreign governments and their spouses traveling with them. The Secret Service is also charged with the detection and arrest of any person committing any offense against the laws of the United States relating to coins, currency, stamps, government bonds, checks, credit/debit card fraud, computer fraud, false identification crimes, and other obligations or securities of the United States.

U.S. Customs and Border Protection (CBP), www.cbp.gov: The Customs and Border Protection safeguards and protects the sanctity of the U.S. borders.

U.S. Coast Guard, www.uscg.mil: The United States Coast Guard is the nation's leading maritime law enforcement agency and has a broad, multi-faceted jurisdictional authority.

The operational law enforcement mission is directed primarily in the areas of boating safety, drug interdiction, live marine resources, alien migrant interdiction, and response to vessel incidents involving violent acts or other criminal activity.

U.S. Immigration and Customs Enforcement (ICE), www.ice.gov: Immigration and Customs Enforcement handles all issues related to the United States' immigration laws (i.e., the Immigration and Nationality Act and other related provisions of the United States Code), including violations, enforcement, terrorist financing, money laundering, smuggling, intellectual property rights, protective services for federal agencies, and customs intelligence.

The Department of the Treasury

Internal Revenue Service (IRS), www.irs.gov: The IRS serves the American public by investigating potential criminal violations of the Internal Revenue Code and related financial crimes in a manner that fosters confidence in the tax system and compliance with the law.

Financial Crimes Enforcement Network (FinCEN), www.fincen.gov: FinCEN supports law enforcement investigative efforts and fosters interagency and global cooperation in combating domestic and international financial crimes.

U. S. Postal Inspection Service, www.postalinspectors.uspis.gov: The mission of the U.S. Postal Inspection Service is to protect the U.S. Postal Service, its employees, and its customers from criminal attack and to protect the nation's mail system from criminal misuse.

The Court System

The court system in the United States includes local, county, state, and federal courts. State judges in Florida are elected or appointed by the Governor, while the President appoints federal judges. The federal courts are the highest courts in the U.S. and generally take precedence over the state courts.

There are courts of general jurisdiction and limited jurisdiction. **Jurisdiction** means the types of cases in which the court can make decisions. Federal courts only hear cases that are violations of federal laws, including constitutional violations. State courts hear cases involving violations of state law. Courts of limited jurisdiction only decide a limited set of case types.

Florida State Court System

The state court system in Florida is made up of four levels:

Florida County Courts, www.flcourts.org/courts/county: The 67 county courts have limited jurisdiction and handle the following legal issues:

- minor criminal offenses (misdemeanors), which provide a maximum sentence of one year or less in the county jail
- county and municipal ordinance violations, including traffic infractions (some counties use hearing officers for these cases)
- civil cases involving amounts of \$15,000 or less and small claims disputes (less than \$5,000)
- the issuance of search and arrest warrants within the county

Florida Circuit Courts, www.flcourts.org/courts/circuit: The 20 circuit courts handle the following legal issues:

- domestic relations cases, such as dissolution of marriage (divorce), guardianship, and juvenile delinquency
- major criminal offenses (felonies), which can result in imprisonment in a state correctional institution
- probate matters, such as the processing of wills and settling of the estates of deceased persons
- civil cases involving amounts greater than \$15,000
- Baker Act and Marchman cases
- issuance of search and arrest warrants within the circuit
- appeals from county court judgments, except when a state statute or provision of the state constitution is held invalid

Florida District Courts of Appeal (DCA), www.flcourts.org/courts/dca: The five District Courts of Appeal decide appeals from circuit courts in most criminal and civil cases.

Florida Supreme Court, www.floridasupremecourt.org: The highest court in the state of Florida is the Florida Supreme Court, which consists of seven justices who are appointed by the Governor. The Supreme Court hears cases including final orders imposing death sentences and appeals from lower state courts.

United States Federal Court System

United States District Courts: District courts are the federal trial courts presided over by U.S. district judges, who are assisted by magistrates. The magistrates are appointed by the district judges and are responsible for issuing warrants, making pretrial motions, and presiding over some civil cases, misdemeanor trials, petty cases, and preliminary hearings.

The scope of the federal judiciary system includes all federal codes (criminal, civil, and administrative) in all 50 states, U.S. territories, and the District of Columbia.

Courts of Appeal: Formerly known as the Circuit Courts of Appeals, these courts make decisions on appeals from lower federal courts, which are subject to review in the U.S. Supreme Court.

Supreme Court of the United States: The U.S. Supreme Court is the highest court in the United States and the chief authority in the judicial branch—one of three branches of the U.S. federal government. The Supreme Court hears appeals from the decisions of lower federal courts and state supreme courts, and it resolves issues of constitutional and federal law. It stands as the ultimate authority in constitutional interpretation, and its decisions can be changed only by a constitutional amendment.

The Supreme Court's most important responsibility is to decide cases that raise questions of constitutional interpretation. The court decides if a law or government action violates the Constitution.

This power, known as judicial review, enables the court to invalidate both federal and state laws when they conflict with its interpretation of the Constitution.

Personnel of the Court

To function properly, the court system requires many people acting in designated roles:

Judge: The judge is authorized to preside over the courtroom and to decide questions of law brought before the court.

Prosecutor: The prosecutor is responsible for presenting the government's case. Each court has its own prosecutor. In federal court, the U.S. Attorney's Office serves this function. Each federal district has its own U.S. Attorney and Assistant U.S. Attorneys. In our state court system, the prosecuting office is the Office of the State Attorney. Each judicial circuit has its own State Attorney and Assistant State Attorneys. The State Attorney is responsible for filing formal charges in criminal cases.

Defense Attorney: The defense attorney is responsible for representing the defendant's case. In Florida, defendants are represented either by an attorney whom they have hired, a public defender who is appointed by the court, or, in certain circumstances, themselves.

Clerk of the Court: Each county elects a clerk of the court who is responsible for maintaining files and official records and issuing subpoenas. Deputy clerks are appointed to assist judges in court paperwork and proceedings.

Court Administrator: The court administrator is responsible for the day-to-day administration of a court system. Responsibilities can include arranging facilities and scheduling and facilitating the interaction of the court system with other components of the criminal justice system.

Jury: A jury is a group of citizens who determine questions of fact in a trial. Their responsibilities may differ depending on the particular case. A jury is not always required for a court to hear a case. In a nonjury or bench trial, the judge hears the case and renders a verdict.

Bailiff: A bailiff or a court deputy is, generally, a sworn law enforcement officer who is responsible for security in the courtroom.

Court Reporter: The court reporter is responsible for making a record of the proceedings. (Not all court proceedings are recorded.) Some proceedings may have voice or video recordings; others have written transcripts or merely notes from a court clerk.

Corrections

A general overview of the corrections systems in Florida includes the following components:

County and Municipal Holding Facilities: These facilities provide a place for detainees while booking procedures are completed or until they can be transported to a county jail.

County Jails: County jails are used for booking and temporary detention of defendants awaiting trial or disposition on federal or state charges and of convicted offenders sentenced to short-term detention (a year or less).

Juvenile Assessment/Detention Center: Juvenile suspects are taken to a center for processing and possible pretrial detention. Officers should check their agencies' policies and procedures for the proper detainment center for juvenile suspects in their district.

SECTION VOCABULARY*community control**corrections**court system**criminal justice**jurisdiction**law enforcement**parole**probation*

Prisons (federal and state): Prisons are correctional institutions maintained by the federal and state governments for the confinement of convicted felons.

Evaluation and Treatment Centers: Evaluation centers are the first stop when entering the prison system. In addition to general processing procedures, various tests (e.g., medical, education aptitude) are performed at these facilities. Treatment centers deal with alcohol/drug abusers or mentally ill offenders.

Probation, Parole, and Community Control: Probation, parole, and community control are part of a community-based correctional system. Their purpose is to supervise the enforcement of specific restrictions on individuals who may have received a suspended sentence after conviction or may be on parole. **Probation** is a sentence placing a person under the supervision of a probation officer for a specified length of time instead of confinement. Individuals who violate their probation may be returned to the system to serve their original sentence. **Parole** is the release of an inmate from a correctional institution prior to the conclusion of the inmate's court-imposed sentence. Under supervision, the inmate serves the remainder of his or her sentence in compliance with the specific terms of the release agreement. Individuals who violate their release agreements may be returned to the institution. **Community control** (house arrest) is a form of closely monitored community supervision and is more restrictive than probation or parole.

LESSON 5 | Chain of Command

LESSON GOAL: At the end of this lesson, you will understand the importance of the chain of command and be able to apply it.

Organizational Structure

An organization is defined as a group of two or more people who cooperate to accomplish one or more objectives. The mission statement, goals, and objectives are organizational statements that describe the intended results of the organization's work.

In order to function properly and provide prompt service to the community, all law enforcement agencies must organize themselves around specific goals and objectives. A good organizational structure and communication system is crucial to a successful, properly functioning organization. The purpose of having an organizational structure is to create a work environment that encourages communication between each employee.

The structure of an organization is defined by how the employees are grouped to perform the work of the organization. There are usually units (patrol, investigations, parking), and within these units are sub-units. For example, in investigations, there may be sub-units that separately specialize in vice, homicide, child abuse, burglary, or assault and battery.

Most law enforcement agencies have a structure that is both historical and practical. In almost every organization, subordinates report to superiors. This is called a hierarchy. An organizational chart is a visual representation of the structure of an organization and how the various jobs and positions are related.

Rank structure is used to delineate between the different levels within the organization. In law enforcement agencies, this rank structure might be as follows:

- sheriff or chief of police
- undersheriff or chief deputy, deputy chief of police
- colonels
- majors
- captains
- lieutenants
- sergeants
- corporals
- deputies or officers

OBJECTIVES

- LE706.1.** Give an example of the organizational and command structure typically found in a criminal justice agency.
- LE706.2.** Define chain of command as used in a criminal justice agency.
- LE706.3.** Explain the importance of following proper chain of command in a criminal justice agency.
- LE706.4.** Describe the consequences of not following proper chain of command in a criminal justice agency.
- LE706.5.** Differentiate between vertical and lateral communication in a criminal justice agency.
- LE706.6.** Explain effective delegation of authority as it applies in a criminal justice agency.

Chain of command is the order of authority within an organization. It provides the links of authority and responsibility that join one level of an organization to another.

Most organizations use the chain of command as a means of communicating and making decisions. A chief or sheriff cannot answer every question that all subordinates might have on any given day. Most workers go to their immediate supervisor for information and assistance.

Command is sometimes an assigned position. For example, the head of a Special Weapons and Tactics (SWAT) team could be an experienced officer or an officer with rank. Command is usually given to the most experienced officer who has extensive background in the appropriate specific area of law enforcement (e.g., vice, drugs, explosives, or even white-collar crimes).

Following a chain of command facilitates coordination, reduces confusion, and enhances the efficiency of the organization. The failure to follow orders from superiors in the chain of command is known as **insubordination**, which is a very serious offense. Under certain limited circumstances agencies have the legal authority to vary from their own policies; even if that order appears to constitute a violation of policy, it must be followed. If it is later shown that the order was improper, responsibility will rest with the supervisor who issued the order, not the subordinate who followed the order. An order that is known to be a violation of federal, state, or local law must not be carried out. An officer refusing to follow an order must be absolutely certain of the law involved and may be subject to charges of insubordination if he or she is wrong.

All employees should strive to operate within the chain of command and keep their immediate supervisor informed of their activities. Violations of the chain of command can result in the miscommunication of important information and data, thus damaging the relationship between the officer and the immediate supervisor. Confusion will result, and there may be a lack of coordination within the unit. In some situations, such as those in the field, an officer's direct supervisor will not be available to answer an important question. This is when academy training comes into play, and officers make decisions to the best of their ability, knowledge, and training.

Communication

There must be uniform channels for communication within the organizational structure to facilitate the accomplishment of objectives. These channels must include both vertical and lateral communications within the structure.

Vertical communication is a term for information from the chief executive officer that flows down through the supervision levels to the lowest levels of the organization. The information that flows from the lowest levels to the highest is equally important.

Lateral communication is that which travels across a level of the organization to employees on the same level within the chain of command. Sometimes, information must be processed at all levels and then channeled to the individual or individuals responsible for accomplishing a specific objective.

In a law enforcement agency, structural levels are classified by the rank held at a particular level within the organization. In most agencies, officers with ranks such as lieutenant, captain, and higher are usually regarded as command level.

Delegation of Authority

Whether it is the chief of police, the sheriff, or the agency director, the consequences of everything that happens within the organization ultimately rest on one person. To effectively manage an organization, the person in command needs to assign decision-making authority to those under his or her command. This granting of power by the person with authority to another person is called the ***delegation of authority***.

On each level of the chain of command, there is a distribution of authority and responsibility. Knowing who has the authority to make decisions and who has the responsibility for the follow-through is the foundation of an effective organization.

SECTION VOCABULARY

chain of command

delegation of authority

insubordination

lateral communication

vertical communication

CHAPTER 2

Legal

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Law enforcement officers' duties include a variety of responsibilities, such as answering citizen calls, patrolling, determining violations of law, making arrests, using force, and conducting investigations. All of these require a foundational knowledge of the law and the ability to apply that law to specific incidents. To act properly and effectively as law enforcement officers, without infringing on individual rights, students must have an understanding of federal, state, and local laws. You also should become familiar with case law and how it interprets and further explains enacted laws. This chapter will provide a solid legal foundation from which students may function as law enforcement officers.

UNIT 1 | INTRODUCTION TO LAW

LESSON 1 | Evolution of Laws

OBJECTIVES

- LE700.1.** Explain how the application of statutory law provisions impacts officers' actions.
- LE700.2.** Describe the foundation of law as developed in the U.S. legal system.
- LE700.3.** Define constitutional law as it applies to the structure and limitations of the U.S. government.
- LE700.4.** Explain the concepts of statutory, ordinance, and criminal law in the U.S. legal system.
- LE700.5.** Explain how the application of civil law provisions impacts a law enforcement officer's actions.
- LE700.6.** Explain the role of administrative law for U.S. government agencies.
- LE700.7.** Explain how the application of case law impacts the interpretation of statutes and rules in federal, state, and local jurisdictions.

LESSON GOAL: At the end of this lesson, you will have a foundational understanding of the U.S. legal system and the various sources of laws.

Legal System

Law is a form of social control or a method of encouraging people to behave in a certain way. Other forms of social control include morality and religion. Religious concepts, such as sin, are often the basis for criminal law. In a simple society, written laws are unnecessary. The behavior of its inhabitants is controlled by means such as violence or removal from the community.

As modern societies became more complicated, written laws are necessary to maintain order. The rules of the society, which developed naturally, have been codified by being written down. This natural development of law is sometimes referred to as common law. The American legal system is based primarily on English common law.

In addition to maintaining order, laws also serve to protect ownership of property, regulate certain businesses, and raise revenue.

Sources of Laws

There are several sources of laws that govern the way we live in the United States, including constitutional law, statutory law, ordinances, criminal law, case law, and civil law. **Constitutional law** defines the form of government Americans have established; the Constitution defines our representational government and its three-branch structure (executive, legislative, and judicial). Through constitutional law, we can identify the powers and limitations of each branch. Additionally, constitutional law consists of standards set forth in the Constitution and of court decisions or interpretations of the Constitution handed down by U.S. District and Supreme Courts.

The state of Florida has its own state constitution that generally parallels the U.S. Constitution. This means that the Florida Constitution affords Florida's citizens the same level of rights or greater than they derive from the federal Constitution.

Statutory law is written and enacted by Congress, state legislatures, or local governing authorities in response to a perceived need. Statutory law includes civil, criminal, administrative, and regulatory laws.

Within statutory law, some provisions define unacceptable behaviors and government prosecution of those who commit them. These statutes are called **criminal law** and must clearly describe the unacceptable behavior and set a punishment for it.

Statutes enacted by a municipal (city) or county government are known as ***ordinances***. Local governments create ordinances which regulate matters of narrow application, such as curfews for minors, restrictions on the hours when alcohol may be sold, or parking regulations. Ordinances apply only within the jurisdiction of the governmental entity that enacted them. Some ordinance violations are criminal while others are civil infractions. These laws cannot conflict with state or federal law, including case law.

Civil law pertains to the legal action that a person takes to resolve a private dispute with another person. The courts provide a forum for the parties to resolve disputes through legal action. In civil lawsuits, the person filing the lawsuit must have a recognized cause of action. A cause of action is to a civil case what a criminal statute is to a criminal case. In many situations, crime victims also have causes of action that allow them to sue the perpetrators of the crimes. Sometimes, law enforcement's actions in enforcing a law can generate a civil lawsuit.

Administrative law is the body of law that allows for the creation of public regulatory agencies. It contains all the statutes, judicial decisions, and regulations that govern them. For example, Florida Administrative Code Chapter 11-B governs the training and certification of law enforcement officers.

Case law is formed by the decisions of the court system (the judicial branch). These court-imposed decisions are based on the court's interpretation of constitutional provisions, and they clarify the meaning of a statute or rule as applied to a specific set of facts.

It is important for officers to understand that court decisions influence how they perform their duties. Once an appellate court creates a rule, known as precedent, officers are required to follow that rule, unless a higher court changes the rule.

Additionally, each circuit court ruling is binding on that jurisdiction. Because of this, there could be different case law in neighboring circuits. Officers must be aware of conflicting rulings and follow the case law in their own jurisdiction.

SECTION VOCABULARY

administrative law

case law

civil law

constitutional law

criminal law

ordinance

statutory law

UNIT 1 | INTRODUCTION TO LAW

LESSON 2 | Focus on Constitutional Law

OBJECTIVES

- LE700.8.** Explain how the U.S. Constitution affects a law enforcement officer in the performance of his or her duties.
- LE700.9.** Explain the importance of the Bill of Rights as provided in the U.S. Constitution.
- LE700.10.** Summarize the basic concepts of “due process” as provided in the U.S. Constitution.
- LE700.11.** Describe the pertinent constitutional law provisions that impact officers’ actions.
- LE700.12.** Describe how the application of case law provisions impacts a law enforcement officer’s actions.

LESSON GOAL: At the end of this lesson, you will have a basic understanding of the U.S. Constitution and the amendments that affect your law enforcement duties.

Basic Concepts of the U.S. Constitution

Law enforcement officers are required to abide by the limitations that the Constitution sets and the case law decisions that interpret those limitations. Certain amendments are particularly relevant to law enforcement. The Constitution protects individuals from governmental abuse of power and defines law enforcement’s authority to act.

In any situation, an officer must be able to determine how to follow the law. According to the U.S. Constitution, all people stand equal before the law and therefore share certain rights. These rights—such as freedom of speech, protection against unreasonable searches and seizures, and prohibition of cruel and unusual punishment—are described in the first ten amendments to the Constitution, which are known as the Bill of Rights. Although many of these amendments focus on the courts and the legislature, some, such as the Fourth, Fifth, and Sixth Amendments, focus on law enforcement activities.

The purpose of government is to secure and protect these rights. The government is the agent of the people, not their master. A law enforcement officer represents the law. The U.S. Constitution sets parameters within which the government operates and establishes laws. The decisions of the U.S. Supreme Court and other appeals courts resolve issues or conflicts which arise under the Constitution.

The Articles of the Constitution

The Articles of the Constitution form the Constitution’s main body. Their purpose is to form a contract between the people of the United States and the United States government that spells out the responsibilities and authority of the three branches of government.

The supremacy clause is a significant idea incorporated into the Constitution by the founding fathers.

Set forth in Article VI, the supremacy clause states that when laws conflict, federal law generally overrules state and local law. State law can be more restrictive than federal law, but it cannot undermine the federal standard.

The Amendments to the Constitution

The Amendments to the Constitution affect law enforcement officers more than any other part of the Constitution. Their purpose is to ensure that individual rights are not infringed upon by the government.

The Bill of Rights

The first ten amendments to the U.S. Constitution comprise the ***Bill of Rights***. The First, Second, Fourth, Fifth, Sixth, and Eighth Amendments are of particular importance to law enforcement, as they concern issues of officer liability.

The First Amendment protects the freedom of speech, press, peaceful assembly, and religion. Examples of law enforcement activities that may be affected by the First Amendment include arrests for disorderly conduct and seizure of press materials such as cameras, tapes, and writing material.

The Second Amendment guarantees the right to bear arms. Chapter 790 of the Florida Statutes sets forth the guidelines regarding firearms in the state of Florida.

The Fourth Amendment prohibits unreasonable search and seizure and generally requires a warrant signed by an independent magistrate (judge). Law enforcement activities affected by the Fourth Amendment include law enforcement's entry into homes, vehicles, luggage, purses, or other places where a person has a reasonable expectation of privacy, including his or her person, and interference with people's right to possess and maintain control over their property. Law enforcement stops and arrests, including the use of force on persons, are considered seizures and must meet the reasonableness requirement of this Amendment, which provides certain exceptions to law enforcement.

The Fifth Amendment is best known for prohibiting compelled self-incrimination. It also requires grand jury indictment for capital crimes and prohibits double jeopardy and deprivation of life, liberty, or property without due process of law. Law enforcement activities affected by the Fifth Amendment include interviewing and arresting suspects and taking law enforcement action in violation of due process.

The Sixth Amendment guarantees the right to be informed of the nature of the charges, receive counsel, undergo a speedy and public trial, confront witnesses, and face an impartial jury. Law enforcement activities affected by the Sixth Amendment are related to making contact with a suspect who is represented by counsel.

The Eighth Amendment prohibits excessive bail and fines and cruel and unusual punishment. Other than making a bond recommendation or request to the judge, a law enforcement officer has little to do with fines or punishment.

The Bill of Rights was originally intended to restrict the actions of the federal government only. The Fourteenth Amendment expanded the application of the Bill of Rights to state and local governments as well. This was done by the ***due process clause*** of the Fourteenth Amendment:

No state shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property, without due process of law; nor deny any person within its jurisdiction the equal protection of the laws.

The Fifth Amendment also contains a due process clause but it is limited only to the actions of the federal government. Simply put, the due process clauses of the Fifth and Fourteenth Amendments require the government to be fair when taking away someone's life, liberty, or property.

The two main components of due process are substantive and procedural. Substantive due process is the fair and consistent enforcement of the law. Procedural due process refers to the steps that must be followed

SECTION VOCABULARY*Bill of Rights**due process clause*

to protect an individual's rights during a criminal justice process. The Constitution requires officers to get the right result the right way. Failure to abide by these rules may result in the suppression of evidence and confessions, and civil or criminal liability to the officer or the agency.

Keeping Current in the Law

The rules under which law enforcement officers operate are constantly changing based upon revisions in statutes and the case law interpreting those statutes. Each officer is responsible for keeping current with these changes.

There are a variety of sources available to help officers stay current, including police magazines, training bulletins, and official websites, such as the Florida Department of Law Enforcement, Florida Attorney General, and Florida Supreme Court sites. Officers should avoid obtaining legal knowledge from unofficial sources such as newspapers, television, radio, unofficial websites, and word of mouth.

Violating case law holdings may have the same consequences as violating statutory law. When an officer violates these principles, he or she may risk exclusion of evidence at trial, case dismissal, administrative discipline, civil liability, and criminal prosecution.

UNIT 1 | INTRODUCTION TO LAW

LESSON 3 | Classification of Offenses

LESSON GOAL: At the end of this lesson, you will understand the differences between a misdemeanor, felony, noncriminal, and local ordinance violation.

Categories and Classes of Offenses

The term *offense* broadly describes criminal or noncriminal acts that are punishable under Florida law. Criminal offenses are punishable by incarceration and classified as either felony or misdemeanor. Noncriminal offenses, or civil infractions, are punishable by monetary fines or something other than incarceration. An example of a noncriminal offense is a traffic violation, such as failure to yield to the right of way.

A *felony* is any crime committed for which the maximum penalty is death or incarceration in a state correctional facility for more than one year. See s. 775.08(1), F.S.

Felonies are classified based on the severity of the offense's maximum or minimum penalty. Each of the five felony classes is defined by the penalty and/or fine associated with it. Most penalties are defined in s. 775.082(3), F.S.; and most fines are set forth in s. 775.083(1), F.S. A capital felony is the highest class of felony. The penalty for offenses in this class is death or life imprisonment in a state correctional facility without the possibility of parole. For example, first-degree murder described in s. 782.04(1), F.S., is a capital felony and the only capital felony for which the state may impose the penalty of death. All other capital felonies require the state to impose a life sentence without the possibility of parole. An example is sexual battery on a child under 12 years old by a person 18 years or older. See s. 794.011(2)(a), F.S.

A life felony has varying penalties, including up to life imprisonment in a state correctional facility, a fine of up to \$15,000, or both. The penalty may vary depending on when the crime was committed and the type of crime committed. In addition, some crimes classified as a first-degree felony, such as kidnapping or sexual battery, may be reclassified as a life felony, if the crime was committed with the use of a weapon or firearm. See s. 775.087, F.S.

A first-degree felony carries a maximum penalty of 30 years in a state correctional facility, a fine of up to \$10,000, or both. However, certain first-degree felonies specifically carry a maximum penalty of life imprisonment in a state correctional facility. For example, kidnapping is a first-degree felony punishable by life imprisonment. See s. 787.01(2), F.S.

OBJECTIVES

LE138.1. Differentiate between felony and misdemeanor offenses as provided in the Florida Statutes.

LE138.2. Explain the statutory penalties which may be imposed for noncriminal violations as provided in the Florida Statutes.

LE138.3. Contrast criminal offenses, noncriminal offenses, and municipal ordinance violations.

LE138.4. Describe the statutory penalties which may be imposed for municipal ordinance violations as provided in the Florida Statutes.

A second-degree felony is punishable by a maximum of 15 years in a state correctional facility, a fine of up to \$10,000, or both. Aggravated Battery is an example of a second-degree felony. See s. 784.045, F.S.

A third-degree felony carries a maximum penalty of five years in a state correctional facility, a fine of up to \$5,000, or both. For example, Aggravated Assault is a third-degree felony. See s. 784.021, F.S.

Penalties of imprisonment may be extended for defendants who have been classified as violent career criminals, habitual felony offenders, or habitual violent felony offenders under the provision in s. 775.084, F.S.

In most criminal offenses, the penalty classification for the particular offense is stated within the relevant section of law. However, for a few offenses, the classification and penalty are specified in a separate section within the same statutory chapter. Some crimes may be reclassified to the next higher degree when certain factors are present, which could result in enhanced penalties. Examples of such reclassifications include the following:

- violent offenses committed against law enforcement officers, correctional officers, State Attorneys, Assistant State Attorneys, and judges
- wearing a mask, hood, etc. to conceal identity while committing a felony or misdemeanor
- evidencing prejudice while committing a crime (hate crimes)
- possessing a weapon while committing a crime
- unlawful taking, possessing, or using of a law enforcement officer's firearm during the commission of a crime
- committing a misdemeanor or felony that facilitated or furthered an act of terrorism

Similarly, some offenses may be reclassified based on certain factors. For example, the attempt of most crimes is of a lower degree than the completion of the offense. So attempted robbery is a third-degree felony, but completing the crime is a second-degree felony.

A **misdemeanor** is any criminal offense with a maximum incarceration penalty in a county jail of up to one year. See s. 775.08(2), F.S. Misdemeanors are divided based on the maximum penalty and/or fine associated with the offense. See ss. 775.081(2) and 775.083(1), F.S. A first-degree misdemeanor carries a maximum penalty of one year in a county jail, a fine of \$1,000, or both. Battery is a first-degree misdemeanor. See s. 784.03(1), F.S. A second-degree misdemeanor carries a maximum penalty of 60 days in a county jail, a fine of \$500, or both. An example of a second-degree misdemeanor is criminal mischief involving property damage totaling less than \$200. See ss. 806.13(1)(a) and (b)1., F.S.

An offense for which the only penalty may be a fine, forfeiture, or other civil penalty is a **noncriminal violation**, also known as a civil infraction. According to s. 775.08(3), F.S., a “noncriminal violation does not constitute a crime....”

Ordinance Violations

Municipalities or counties may enact ordinances or local regulations for the protection and well-being of its citizens and property. Local ordinances apply only to the geographical area of the county or city that enacted them. Most ordinance violations are not criminal in nature. Certain ordinances may prohibit

acts that are also crimes by statute. When in conflict, state and federal statutes take precedence over local ordinances.

The maximum penalty for violating a local criminal ordinance is a fine of \$500 or incarceration in a county jail for a period of up to 60 days and/or both.

SECTION VOCABULARY

felony

misdemeanor

noncriminal violation

offense

Criminal Offense	Felony	Capital felony Life felony Felony 1st degree Felony 2nd degree Felony 3rd degree	Death or life imprisonment in a state correctional facility without possible parole Life imprisonment, \$15,000 fine, or both 30 years and, in some cases, life imprisonment, \$10,000 fine, or both 15 years imprisonment, \$10,000 fine, or both 5 years imprisonment, \$5,000 fine, or both
Criminal Offense	Misdemeanor (does not include noncriminal traffic violations or infractions)	Misdemeanor 1st degree Misdemeanor 2nd degree	Imprisonment in a county correctional facility for up to 1 year, \$1,000 fine, or both Imprisonment of up to 60 days, \$500 fine, or both
Noncriminal Offense/ Civil Violation	Infraction/violation		\$500 fine, forfeiture, or other civil penalty. According to s. 775.08(3), F.S., <i>noncriminal</i> shall not mean any conviction for any violation of any municipal or county ordinance.
Municipal/ County Ordinance Violation	Civil/criminal		Civil penalty of up to \$500 or imprisonment of up to 60 days, or both

Classification of offenses

Figure 2-1

UNIT 2 | LEGAL CONCEPTS

LESSON 1 | Standards of Legal Justification

OBJECTIVES

- LE740.1.** List the four standards of legal justification common to law enforcement.
- LE740.2.** Explain an officer's legal justification to act in the enforcement of his or her duties.
- LE740.3.** Identify the legal actions a law enforcement officer may take during a consensual encounter as provided by law.
- LE740.4.** Provide the sources of reasonable suspicion identified in federal and state law.
- LE740.5.** Explain the legal actions a law enforcement officer may take based upon reasonable suspicion as provided by law.
- LE740.6.** Explain the legal use of pretext stops as provided in case law.
- LE610.1.** Define probable cause in accordance with constitutional law.
- LE610.2.** Explain how to apply the facts of the incident to the statutory elements to determine if probable cause exists.
- LE740.7.** Describe legally recognized sources for developing probable cause during a law enforcement investigation.
- LE740.8.** Explain the standards of legal justification common to law enforcement as provided by law.

LESSON GOAL: At the end of this lesson, you will understand the four levels of legal justification, the link between the levels, and the corresponding legal action that may be taken for any particular situation. You will also be able to articulate reasonable suspicion and probable cause whenever they exist.

Officer's Justification to Act

The U.S. Constitution guarantees a right of privacy—a right to be left alone—to all individuals who do not break the law. This right, guaranteed by the Fourth Amendment, separates the United States from totalitarian dictatorships in which people can be stopped at random, forced to produce identity cards, and searched, often simply because they disagree with the government. Everyone within the U.S. borders is entitled to move about in public places, free from police interference as long as they obey the law.

There is no right to be left alone for people who violate the law. The Constitution does not object to their being searched, seized, and punished for their crimes; however, the greater the restriction on a person's liberty or freedom, the more justification an officer must have in restricting it. The law recognizes four standards of legal justification: mere suspicion, reasonable suspicion, probable cause, and proof beyond a reasonable doubt.

The certainty that a particular person committed a crime can range from 0 percent to 100 percent, depending on the evidence available. That range can fluctuate as additional facts become known and circumstances unfold. For example, a complainant may report facts to the responding officer with unwavering confidence. Additional witnesses, however, may report different facts, which will reduce the officer's certainty of the complainant's statement. On the other hand, if subsequent witnesses confirm the complainant's report, the officer's certainty of what happened increases. The least amount of certainty is mere suspicion while the greatest is proof beyond a reasonable doubt.

As the certainty level rises, the Fourth Amendment permits the officer to infringe more on a suspect's right to be left alone; the officer may detain the suspect, frisk him or her during an investigative stop, or arrest the person and search and seize his or her property.

Law enforcement officers must develop a keen awareness of the legal justification levels at each point during a criminal investigation. An officer must be prepared to articulate or explain, in court, his or her actions and the legal justifications for each of them.

Mere Suspicion/Consensual Encounters

Not every police-citizen encounter is a seizure under the Fourth Amendment. A *consensual encounter* occurs when an officer comes into voluntary contact with a citizen under circumstances in which a reasonable person would feel free to disregard the police and go about his or her business. It involves no coercion, no detention, and therefore is no Fourth Amendment seizure. The Constitution doesn't prohibit officers from approaching pedestrians or motorists and engaging them in conversation by asking them if they are willing to answer questions, questioning them if they are willing to listen, or offering voluntary answers to such questions as evidence in any criminal prosecution. See *Florida v. Royer*, 460 U.S. 491 (1983). In determining whether an encounter was consensual, the court will look at all of the circumstances surrounding the encounter. Some questions the court may ask include:

- Was the individual physically stopped or restrained by the officer?
- Was the individual restricted from leaving at any time during the encounter?
- Was the individual's freedom of movement restricted in any way? For example, did the officer's vehicle block the subject's vehicle, preventing the subject from leaving?
- Was the officer doing more than asking questions? Any demands made by the officer can turn an encounter into a stop.

If the answers to any of these questions are "yes," then the officer's contact with the citizen will be deemed a stop rather than an encounter. A consensual encounter may be based on mere suspicion or no suspicion at all.

Mere suspicion is sometimes described as a hunch or gut feeling based on law enforcement training and knowledge. Mere suspicion does not grant any enforcement authority. Detaining a person or searching him or her requires more than mere suspicion. Examples of mere suspicion that might cause an officer to initiate a consensual encounter with a person include the following:

- a person wearing a winter coat in the middle of summer with the temperature in the mid-90s
- a dirty car with a clean vehicle tag

Reasonable Suspicion

The next level above consensual encounters is the investigative, or *Terry*, stops, based on the U.S. Supreme Court case *Terry v. Ohio*, 392 U.S. 1 (1968). The Florida Legislature incorporated the *Terry* stop guidelines into the Florida Stop and Frisk Law, s. 901.151, F.S. Note: Florida's Stop and Frisk law, s. 901.151, F.S., requires probable cause before such a weapons pat down is permitted. Case law, however, has held that in this context the term probable cause means reasonable suspicion.

Under the Stop and Frisk law, an officer can only make an *investigative stop* if the officer has reasonable suspicion that the person stopped was committing, is committing, or is about to commit a law violation.

Reasonable suspicion is the standard of justification needed to support a legal *Terry* stop or investigative detention. Reasonable suspicion is sometimes called "articulable suspicion" or "founded suspicion." All three terms simply mean that an officer can articulate, or put into words, facts that support a suspicion that the person stopped may be involved in a law violation. The facts and circumstances must support the suspicion that a person committed a crime, is committing a crime, or is about to commit a crime.

Reasonable suspicion may be established through a number of sources such as personal observation, information from fellow officers, information from third parties such as informants, and BOLOs (Be On the Look Out). A **BOLO** is a description of the suspect, the suspect's name, and any additional information that would help apprehend the suspect.

An officer's personal observations are formed by his or her training and experience and may include the following:

- subject's nervousness
- subject's running or trying to evade the officer
- subject is in a known high-crime area
- time and location of the encounter/stop
- subject's unusual dress or actions
- perceived smells or sounds

None of the above alone justifies a stop. "An individual's presence in an area of expected criminal activity, standing alone, is not enough to support a reasonable, particularized suspicion that the person is committing a crime...But officers are not required to ignore the relevant characteristics of a location in determining whether the circumstances are sufficiently suspicious to warrant further investigation." See *Illinois v. Wardlow*, 528 U.S. 119, 124 (2000).

In *Terry v. Ohio* the Court ruled that a law enforcement officer may frisk the exterior clothing of someone lawfully detained if the officer has reasonable suspicion to believe that the person is armed. A frisk or pat down is not a full search. The scope of the frisk is limited to a pat down of outer clothing, containers, and property being carried by the subject.

An officer must be able to articulate his or her reasons for believing the subject possessed a weapon or the pat down will violate the Fourth Amendment. An officer may not automatically pat down every person detained. The two elements required for a lawful pat down or frisk are (1) that the subject is lawfully detained and (2) that the officer has reasonable suspicion to believe that the subject possesses a dangerous weapon.

A frisk is not restricted to the body of the subject. Even the passenger compartment of an automobile may be frisked based on a reasonable belief that an occupant of the vehicle is armed and dangerous, for example, during a high risk traffic stop of a vehicle matching that of an armed robbery suspect. Further search will be justified only if the officer detects something readily apparent to be a weapon or immediately apparent to be contraband. Note that simply seeing a partially concealed firearm does not, standing alone, constitute reasonable suspicion or justify a frisk since many people may lawfully possess a concealed firearm. See *Mackey v. State*, 124 So.3d 176 (Fla. 2013). If an illegal weapon or evidence of a crime is discovered during the detention, the officer may make an arrest if warranted.

An officer who conducts a valid stop and frisk as described above, and in the process feels an item he or she readily recognizes as contraband, may seize that contraband. Known as the **plain touch/feel doctrine**, this rule allows the officer to seize the contraband even if it does not feel like a weapon. Plain touch/feel does not permit any manipulation or groping of the object in an effort to identify it as contraband. The officer must be able to articulate that, based upon his or her training and experience, he or she immediately recognized the item as contraband. See *Minnesota v. Dickerson*, 508 U.S. 366 (1993).

The duration of a *Terry* stop is limited to the time reasonably necessary to accomplish the purpose of the stop. An investigative detention may become an arrest even if the officer does not initially intend to make the arrest. Questioning that prolongs the detention but is not justified by the purpose of the investigative stop is unreasonable under the Fourth Amendment. During the stop, the officer may not require the person to move from the location of the stop or its immediate vicinity. Doing so would turn the stop into an arrest.

An officer may lawfully use force during an investigative stop if he or she reasonably believes it protects his or her safety or the public's safety. Handcuffs may be used if reasonably necessary, but the officer must be able to explain the reasons why force or restraints were necessary.

Pretext Stops

Sometimes, an officer may suspect that evidence of criminal activity is in a vehicle, but the officer won't have enough information for reasonable suspicion to make a stop. However, if the driver of the vehicle commits a traffic infraction, or if the vehicle shows evidence of an equipment violation, such as a broken taillight, the officer may stop the vehicle on that basis. Such stops are sometimes called **pretext stops**, because the officer stops the vehicle due to an equipment violation but really wants to investigate other, more serious criminal activity. Pretext stops were formerly considered a violation of the Fourth Amendment. However, the U.S. Supreme Court, in *Whren v. U.S.*, 517 U.S. 806 (1996), said that the courts are not required to consider an officer's motive for stopping a vehicle as long as the officer had an objective basis for the stop. Because of *Whren*, pretext stops do not violate the Fourth Amendment. Thus, a detective who suspects that a vehicle contains drugs can stop the driver for failing to signal for a turn. This stop is valid even if the detective is not assigned to traffic patrol and does not normally stop drivers who fail to signal for turns.

Probable Cause

The standard of justification required to make an arrest or conduct a search is probable cause. Because probable cause justifies greater invasions into a person's privacy, it is a stricter standard than reasonable suspicion. **Probable cause** is a fair probability or reasonable grounds to believe that someone committed a crime, based on the totality of circumstances. The U.S. Supreme Court gives the following information about probable cause:

Probable cause exists where facts and circumstances within the arresting officer's knowledge and of which they had reasonably trustworthy information, are sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed...we deal with probabilities. They are the factual and practical considerations of everyday life on which reasonable and prudent men, not legal technicians, act. *Draper v. U.S.*, 358 U.S. 307 (1959)

Probable cause is a fluid concept—based on the assessment of probabilities in particular factual contexts—not readily, or even usefully, reduced to a neat set of legal rules. *Illinois v. Gates*, 462 U.S. 213, 232 (1983)

Examples of probable cause include a computer hit confirming that a vehicle is stolen, victim and witness sworn statements, and the odor of marijuana coming from inside a car.

Developing Probable Cause

The difference between reasonable suspicion and probable cause is the amount and quality of information available to the officer concerning the commission of a crime by a particular suspect or that evidence of a crime is present in a place to be searched. In deciding whether the reasonable suspicion or probable cause standards have been met, courts review all factors known to the officer at the time of the incident. This is known as the ***totality of circumstances*** test.

To establish probable cause and subsequently make an arrest or conduct a search, an officer may rely on many types of information and evidence. The officer's training and experience are important factors in helping develop probable cause. The officer's use of information and evidence is not limited by the rules of evidence used in criminal trials. For example, a prosecutor cannot relate hearsay statements and anonymous tips to a jury for the purpose of determining guilt. However, an officer can use this information to justify probable cause or reasonable suspicion. With specific limited exceptions, the rules of evidence allow defendants in a criminal trial to prevent spouses from testifying against each other. But officers do not have to ignore information a spouse provides. In fact, an officer can use that information in the affidavit of a search warrant to obtain evidence that can be used in court to convict. The jury hears only evidence found as a result of the warrant. Jurors do not hear about the officer's conversation with the spouse.

Information used to formulate reasonable suspicion and probable cause must be specific. Descriptions should be detailed enough to make identification possible; the description "a blue SUV" may not be specific enough to describe a turquoise 2013 Ford Explorer.

Sources used to establish probable cause or reasonable suspicion must be those that the court recognizes as reliable.

Commonly recognized sources for officers to rely on include the fellow officer rule, a citizen informant, corroborated (verified) anonymous tips, reliable and credible confidential information, line-ups, and show-ups. Any information an officer legally obtains may be used to establish probable cause.

The ***fellow officer rule*** involves relying on the collective knowledge of other officers when taking law enforcement action. An example would be making an investigative stop based on a BOLO:

Under the 'fellow-officer' rule, law enforcement officials cooperating in an investigation are entitled to rely upon each other's knowledge of facts when forming the conclusion that a suspect has committed or is committing a crime. *United States v. Meade*, 110 F.3d 190, 193-94 (1st Cir. 1997)

Information from a third party such as a citizen informant may also be used by an officer in developing reasonable suspicion for an investigative stop or probable cause. If the source is an anonymous tipster, however, the information must have some indication of reliability and must be corroborated before the officer may rely upon it to take law enforcement action. For example, if an anonymous call comes in that a white male wearing jeans and a tie-dyed t-shirt is selling drugs from an older yellow VW van at the intersection of Main Street and Elm Avenue, the specificity of the information makes it appear to be reliable. The officer can corroborate the information when he arrives at the intersection. If the anonymous call was that a guy in jeans and a t-shirt was selling drugs "down the street," that information is too vague to be reliable or corroborated.

Information from a confidential informant may be used to establish probable cause for an arrest or a search only if the information has been substantiated as credible and reliable. Information can be substantiated if the informant has given reliable information in the past or if it is independently corroborated.

Probable cause may also be based on identifications from photo arrays and live line-ups. The **photographic array** is a presentation of a series of photographs to a victim or witness in a non-suggestive manner for the purpose of identifying a suspect. Officers must guard against any action—whether in the selection of photos or through a comment, a gesture, or body language—that the witness might interpret as suggesting to the witness which photo should be identified. Such actions will result in the suppression of the photo identification as evidence.

A **live line-up** is the presentation of a number of individuals, which may include a known suspect, to a victim or witness in a non-suggestive manner for the purpose of identification. This type of line-up is rarely used in investigations but is commonly seen on television programs and in movies.

A **show-up** occurs when a law enforcement officer locates a suspect a short time after the commission of an offense and attempts to get a one-on-one identification of the suspect in the field by a victim or witness. This method of identification is inherently suggestive and should be used with caution.

Proof Beyond a Reasonable Doubt

Before a person may be found guilty of a crime and sentenced, the prosecution must present evidence sufficient to prove guilt of each element of the crime beyond a reasonable doubt. **Proof beyond a reasonable doubt** is the standard used to determine if a criminal defendant is guilty. Based on the facts of the case, there is no other reasonable explanation than that defendant committed the crime.

Although probable cause supporting a person's commission of a crime may exist, without further evidence, the state may not be able to prove the case beyond a reasonable doubt. Therefore, the case may not be filed by the prosecutor.

Different standards of proof are used in civil and administrative cases in Florida. The burden of proof in civil cases is “the greater weight (preponderance) of the evidence.” In administrative proceedings, the burden of proof is “clear and convincing evidence.” Each of these is a lesser standard than proof beyond a reasonable doubt.

SECTION VOCABULARY

BOLO

consensual encounter

fellow officer rule

investigative stop (Terry stop)

live line-up

mere suspicion

photographic array

plain touch/feel doctrine

pretext stop

probable cause

proof beyond a reasonable doubt

reasonable suspicion

show-up

totality of circumstances

UNIT 2 | LEGAL CONCEPTS

LESSON 2 | Search and Seizure

OBJECTIVES

LE742.1. Describe the constitutional guarantees related to search and seizure provided in the Fourth Amendment.

LE742.2. Contrast search and seizure in accordance with the U.S. Constitution.

LE742.3. State the legal requirements for a law enforcement officer to obtain a search warrant.

LE742.4. Differentiate between the exclusionary rule and the Good Faith Doctrine as applied to search and seizure.

LE610.3. State the exceptions to the search warrant requirement in accordance with constitutional law.

LE742.5. Explain the search of abandoned property and open fields doctrine as legal exceptions to search warrant requirements.

LE742.6. Explain the three conditions of plain view that must be met for the legal exception to a search warrant requirement.

LE742.7. Explain the mobile conveyance exception to the search warrant requirement as provided in case law.

LE742.8. Explain the exigent circumstances exception to the search warrant requirement as provided in case law.

LESSON GOAL: At the end of this lesson, you will understand the constitutional requirements for a valid search and/or seizure.

Fourth Amendment Guarantees

The Fourth Amendment of the Constitution protects people from governmental intrusion into areas where they have a reasonable expectation of privacy. It prohibits searches and seizures unless they are conducted with probable cause and under reasonable circumstances.

A **search** occurs when the government intrudes into a place where a person has a reasonable expectation of privacy. A **seizure** occurs when the government affects a person's right to have or control his or her property, usually by physically taking it.

Search Warrants

The Fourth Amendment generally requires officers to obtain a search warrant before intruding into a place where an individual has a reasonable expectation of privacy. While there are numerous exceptions to the search warrant requirement, officers should always first consider whether obtaining a search warrant is possible and practical.

A **search warrant** is a court order that authorizes law enforcement to conduct a search and seizure. The search warrant must be directed to a person or agency with specific jurisdiction over the location of the search.

In order to be deemed valid, a search warrant must meet a number of legal requirements. First, it must be authorized and signed by a neutral magistrate or judge. The warrant must be based on an affidavit that states sufficient facts to establish probable cause that evidence of a crime will be found in the place to be searched. The basis of the information in the affidavit must come from reliable sources. The affiant may be anyone, but the person serving the warrant must have jurisdiction over the place chosen for service. For example, an unnamed or confidential informant may be the source of probable cause only if the officer swearing to the affidavit can attest that the informant has given reliable information in the past.

The existence of probable cause will be determined based on the totality of the circumstances. Courts also will consider how recent the information supporting the probable cause is and how likely it is that the contraband or evidence is still at the location to be searched.

The search warrant must particularly describe the person or place to be searched and the items to be seized. The detailed description in the search warrant is a crucial element, designed to prevent an intrusion into the wrong location. The description must include directions to the place to be searched beginning from a known landmark, such as an intersection. The search warrant is valid only for the specific location it describes; it must also describe in detail the person or items to be seized. Officers must connect the seized items to criminal activity. For example, courts do not normally accept the general description “drugs” or “illegal controlled substances.” They require law enforcement to name the specific drugs they expect to find.

The Exclusionary Rule

The Supreme Court has ruled that evidence obtained by the government in violation of the Constitution cannot be used as evidence in court. This is known as the ***exclusionary rule***.

Its purpose is to discourage officers from violating citizens' constitutional rights during criminal investigations. In *Davis v. U.S.*, 180 L.Ed. 285 (2011), the Supreme Court held that “when the police conduct a search in objectively reasonable reliance on binding appellate precedent, the exclusionary rule does not apply.” In other words, officers are not required to anticipate what the Supreme Court may do, but must only operate according to what the Supreme Court has done.

The Fruits of the Poisonous Tree doctrine holds that evidence gathered with the assistance of illegally obtained information must be excluded from trial. For example, if an illegal interrogation leads to the discovery of a murder weapon, both the results of the interview and the weapon may be excluded.

The Good Faith Doctrine

The Good Faith doctrine applies to an officer's actions in conducting a search pursuant to a search warrant. If officers execute a search warrant they believe to be valid and a court later determines the warrant to have a legal error, any seized evidence may still be admitted.

Exceptions to Search Warrant Requirements

Under the Fourth Amendment, a search or seizure may be defined as the government intruding where a person has a reasonable expectation of privacy (REP). The three elements that comprise a Fourth Amendment “search” are thus Government + Intrusion + REP. If any element is missing, the activity is not a search, and the Fourth Amendment is not implicated. For example, if a person walks into his neighbor’s garage, finds evidence of a crime, and calls the police, the evidence can be used because the government was not involved in the search. If a suspect drops a bag containing controlled substances when an officer approaches him, the officer can seize the bag and use it as evidence because the suspect abandoned his REP for the bag when he dropped it. In both of the above examples, one of the elements of a Fourth Amendment search is missing. If all three elements were present, however, the Fourth Amendment

LE742.9. Explain how fresh pursuit is a legal exception to the search warrant requirement.

LE742.10. Explain the emergency scene exception to the search warrant requirement as provided in case law.

LE742.11. Explain the consent to search exception to the search warrant requirement as provided in case law.

LE742.12. Identify the purpose of and conditions under which a vehicle inventory is a legal exception to the search warrant requirement.

LE742.13. Explain the administrative search exception to the search warrant requirement as provided in federal and state law.

LE742.14. Describe the search incident to arrest exception to the search warrant requirement as provided in federal and state law.

LE742.15. Describe the scope of searches legally permitted for a law enforcement officer.

LE742.16. Summarize the Florida Contraband Forfeiture Act as applied to acts of search and seizure.

does apply. If the action by the officer is a search, and the officer does not have a search warrant, he or she must determine if one of the nine exceptions to the search warrant requirement applies. Five of these exceptions require probable cause, and four do not.

Note: Two search types that are often considered exceptions to the search warrant requirement are not technically searches because the person does not have a reasonable expectation of privacy in the place to be searched. Those are searches of abandoned property and open fields. An example of abandoned property is the contents of a trash can which have been put out by the curb for pickup. The owner of the trash has abandoned any expectation of privacy in the trash, so officers may seize it and search through it without a warrant.

Open fields are areas of someone's property where there is no reasonable expectation of privacy. The Supreme Court has made a distinction between the *curtilage* (the space of ground and outbuildings immediately surrounding a structure) of someone's home and an open field. Whether particular property is an open field or curtilage depends upon the steps the occupant has taken to create an expectation of privacy and its common use. Fenced and posted fields are given a higher degree of constitutional protection than areas that do not have such improvements.

Probable Cause Required

The law presumes that a search without a warrant is invalid; however, there are a number of exceptions which require probable cause:

1. plain view
2. mobile conveyance
3. exigent circumstances
 - destruction of evidence
 - fresh pursuit
 - emergency scene

1. Plain View (probable cause required)

Any contraband an officer can see can be seized without a warrant as long as three conditions are met: (1) the officer is lawfully present in the place where he or she sees the item, (2) the item is in plain sight, and (3) the officer has probable cause to believe that the item is contraband or crime evidence.

First, the officer must lawfully be positioned where he or she can see the contraband. An officer responding to a domestic dispute who sees bags of cocaine sitting on the dining room table inside the residence can seize the cocaine because the officer has answered a call for assistance. However, if the officer creeps up to a house and peeks in the window in order to see, he or she is not lawfully present in the place where the cocaine is seen, and the seized drugs would be excluded from evidence.

Second, the seized item must be in plain sight. The officer may not move a blanket, for example, to see what is underneath. Use of a flashlight is permitted, but any movement of the item will likely invalidate the search.

Third, the criminal nature of the seized item must be immediately apparent. An officer must know instantly that the item is contraband. In *Sawyer v. State*, 842 So.2d 310 (Fla. 5th DCA 2003), a police officer saw a white pill on the console of a car and, thinking it was ecstasy, seized it. Testing proved the officer was correct.

However, the court said that the pill's nature as an illegal drug was not immediately apparent upon first sight, so the evidence was suppressed.

2. Mobile Conveyance (*probable cause required*)

Because vehicles and other mobile conveyances must be licensed, registered, and insured, and are easily moved, they have a reduced expectation of privacy and may be searched without a warrant. A mobile conveyance search may be conducted without a warrant even if there may be time to obtain a warrant. Additionally, a mobile conveyance search does not have to occur at the same time as the stop. Probable cause is required for a mobile conveyance search. This is sometimes called the ***Carroll doctrine***, so named for the case of *Carroll v. U.S.*, 267 U.S. 132 (1925).

The scope of a search under the *Carroll* doctrine extends to the entire vehicle and to all containers where the evidence could reasonably be found.

If probable cause justifies the search of a lawfully stopped vehicle, it justifies the search of every part of the vehicle and its contents that may conceal the object of the search. See *U.S. v. Ross*, 456 U.S. 798 (1982). For example, a canine's positive alert on the exterior of a lawfully-seized vehicle provides the requisite probable cause justifying a complete search of the vehicle's interior, as well as any containers therein. In contrast, if an officer has probable cause to believe that a vehicle contains a full-size shot gun, he or she may not lawfully look inside the glove box or center console during the search.

Courts have held that it is not a search to use a certified police K-9 to detect odors of controlled substances by walking the dog around the exterior of the car, provided the sniff is completed prior to the conclusion of the traffic stop. The length of the stop cannot be extended to wait for the arrival of the dog or for the sniff to be completed.

3. Exigent Circumstances

Exigent circumstances are certain emergencies such as the case of evidence destruction, an emergency scene, or a fresh pursuit that justifies a warrantless entry.

Destruction of Evidence

Destruction of evidence is one of the exigent circumstances that permits search and seizure without a warrant. If an officer has probable cause to believe that contraband or evidence is in immediate danger of being destroyed, the officer does not need to obtain a search warrant before seizing the contraband or evidence. The law is clear, however, that the officer cannot create the exigent circumstance to justify a warrantless entry. See *Hornblower v. State*, 351 So.2d 716 (Fla. 1977). So, an officer may not knock loudly at a house when he or she has a hunch that drugs are being held there and announce, "Police officer," and then enter the house because he or she thinks the residents may be trying to destroy drugs inside. Before this exception will apply, the officer must have probable cause to believe that the drugs are inside and are in immediate danger of destruction.

Fresh Pursuit

Fresh pursuit allows an officer to enter a residence or other private place, while chasing a suspect. It generally requires (1) probable cause that the suspect committed a serious crime, (2) immediate or continuous pursuit of the suspect, and (3) probable cause that the suspect is in the premises that is being entered without a warrant.

Any contraband or evidence in plain view found in the place entered in fresh pursuit will not be subject to suppression because of failure to obtain a search warrant.

Emergency Scene

The emergency scene exception involves a situation in which officers may make a warrantless entry in order to ensure their own safety or that of the public. For this exception to apply, the officer must have an objectively reasonable basis to believe that someone is in immediate danger. See *Seibert v. State*, 923 So.2d 460 (Fla. 2006), where officers were justified in entering a house because they had an objectively reasonable basis to believe that a subject was going to commit suicide. Once within the house, they discovered a murder victim while securing the subject to prevent his suicide.

Officers must remember that there is no general crime scene or murder scene exception to the Fourth Amendment warrant requirement. Although officers responding to a homicide scene may conduct a protective sweep to make sure there are no more victims and that the assailant is gone, to search a crime scene further will require a warrant or a valid exception.

Probable Cause Not Required

Four additional search warrant exceptions require less than probable cause:

1. consent
2. inventory
3. administrative searches
4. incident to arrest

1. Consent

Consent searches do not require probable cause, reasonable suspicion, or even mere suspicion. An officer may ask anyone for consent to search. If the consent is knowing and voluntary and the person giving consent has authority to do so, then the search is valid and any evidence obtained from it can be used in court. Many times people who hide contraband will consent to an officer's request to search thinking that because they consented, the officer will assume they are not hiding anything and will not complete the search. The burden is on the prosecution to prove that consent was valid. Consent should be obtained in writing if possible, though verbal consent is sufficient. It is the responsibility of the officer to document how the person conveyed consent. Refer to agency policy about how to document consent.

Voluntary means the consent is unequivocal, specific, and intelligently given and more than mere acquiescence in the face of a claim of lawful authority. In other words, a reasonable person under the circumstances would feel that he or she could refuse the request for consent to search. Officers do not need to advise people that they have a right to refuse. For example, if an officer has possession of a driver's or passenger's identification while conducting a traffic stop, the court may not consider voluntary consent valid because the individual may not feel free to leave.

Under limited circumstances, consent to search may be implied. Examples are searches of airline passengers, searches of patrons attending sporting events, and searches of visitors to courthouses or other government buildings. Except for such limited situations, courts will not generally approve of warrantless searches based on implied consent.

Third party consent to search may be valid if the third party has mutual access and control over the area to be searched. A search may not be done by consent of one co-tenant if another co-tenant is present and objects to the search. See *Georgia v. Randolph*, 547 U.S. 103 (2006). Unless he or she is the owner, a vehicle's passenger may not consent to the search of the driver's vehicle.

In cases involving juveniles, the consent of a parent or guardian will generally overrule objection by the child. A child may provide consent for a warrantless entry to a parent's home if the child shares the home with the parent and the parent is not physically present to grant or deny consent.

Consent may be withdrawn at any time during the search. Once withdrawn, officers must stop searching immediately. The scope of consent can be limited as well. For example, a driver may consent to the search of the vehicle's passenger compartment but not the trunk. Of course, if an officer develops probable cause to search at any time, the withdrawal of consent will be meaningless.

2. Inventory

Inventory searches are not designed to search for evidence but to protect the arrested person's property and to protect the officer from accusations of theft. An inventory is a written list of all valuable property in a vehicle. When the driver of a vehicle is arrested, the arresting officer must make sure the vehicle is properly secured. Three options are available under the law, but agency policy may be more restrictive. First, the vehicle may be lawfully parked, locked, and left at the scene of the arrest if that can be done safely. Because of the risk of theft or damage, this option should seldom be chosen. Second, the vehicle may be turned over to a friend or family member of the arrested person if such a person is available. Third, the vehicle may be impounded. Officers will generally use the third option, unless a passenger in the vehicle may lawfully take possession of the vehicle. An inventory search is permitted only if the vehicle is impounded.

To be valid, inventory searches require a written department policy that spells out when and how the inventory search must be done. The search must occur at about the same time as the impoundment of the vehicle, and it must be done in compliance with the written department policy. Any evidence or contraband found during a valid inventory search may be used against the defendant in court.

3. Administrative Searches

Administrative searches generally do not require a warrant due to the setting or special conditions. Subjects of this type of search include students, public schools, people in government offices, government property (such as desks, lockers, and vehicles), people engaged in certain businesses or licensed activities, and people on probation or parole. These types of searches generally do not require warrants because they are for regulatory purposes and usually are not conducted by a law enforcement officer. Because certain industries are heavily regulated, their expectations for privacy are reduced. Examples include searches of pawn shops, alcohol and tobacco establishments, and probationers. Agency policy will dictate the extent to which officers may be involved in assisting with such searches.

4. Incident to Arrest

When a person is lawfully arrested and taken into custody, he or she may be searched without a warrant. Such a search incident to arrest is reasonable under the Fourth Amendment. The Supreme Court has noted “two historical rationales for the search incident to arrest exception: (1) the need to disarm the suspect in order to take him or her into custody and (2) the need to preserve evidence for later use at trial.” See *United States v. Robinson*, 414 U.S. 218 (1973).

A search incident to arrest may only be conducted when two requirements have been met. First, there must have been a lawful custodial arrest. Second, the search must be “substantially contemporaneous” or at the same time with the arrest.

For example, a search done ten minutes after an arrest will generally be valid, but one conducted an hour after the arrest will likely be invalid. This exception has two purposes: officer safety—to locate weapons and prevent escape—and the preservation of evidence.

A search incident to arrest may not be conducted unless there is a custodial arrest. An officer may not search incident to issuing a traffic citation or a notice to appear. There must be a physical, custodial arrest.

The scope of a search incident to arrest is the arrestee’s person and the areas “within the immediate control of the arrestee” at the time of the arrest. See *Chimel v. California*, 395 U.S. 752 (1969). However, a search incident to arrest may also include a vehicle in which the arrested person was a passenger just before the arrest. See *Thornton v. U.S.*, 541 U.S. 615 (2004).

Under *New York v. Belton*, 453 U.S. 454 (1981), the scope of a vehicle search incident to arrest includes the entire passenger compartment and all containers located therein, locked or unlocked. The trunk of a sedan is not considered part of the passenger compartment, but the rear area of a van or SUV is included in the search area. *Arizona v. Gant*, 556 U.S. 332, 129 S.Ct. 1710 (2009), has further refined the scope of search incident to arrest situations involving vehicles. Officers may search the passenger compartment of a vehicle only when the arrestee is unsecured and the passenger compartment is within reaching distance of the arrestee or if it is “reasonable” to believe the vehicle contains evidence of the crime for which the subject was arrested. Officers should document the facts and circumstances on which they relied when making decisions regarding a search and be prepared to articulate those reasons at a deposition or hearing.

A search incident to arrest may include a strip search only under certain circumstances. Officers should consult s. 901.211, F.S., and individual agency policy for details.

Scope of Searches

The scope of constitutional searches is limited to the items being searched. Once the items are found, the search must stop. An officer who conducts a probable cause search of a vehicle for a stolen gun and finds the gun in the glove box must stop searching unless there is probable cause to search for other specific items. The nature of the search should be based on the item the officer expects to find. For example, if an officer has probable cause to search a home for stolen refrigerators, searching drawers, clothing, and under the bed is unreasonable because a refrigerator cannot fit in those places.

Whether conducting a search using a warrant or acting under a legally recognized exception, case law and statutes allow officers to search for these items:

- dangerous weapons
- fruits of the crime—objects obtained by the suspect as a result of committing the crime
- instruments of the crime—items used by the suspect to commit the crime
- contraband—anything that is illegal to possess
- evidence—anything that tends to prove or disprove the existence of a fact
- items defined by statute (chapter 933, F.S.—Search and Inspection Warrants)
- suspects

Florida Contraband Forfeiture Act

Sections 932.701—932.706, F.S., give law enforcement agencies the authority to seize and forfeit certain property known as contraband articles. Contraband articles include items which are illegal to possess, items used in the commission of a felony, and items purchased with the profits of felonious activity. **Forfeiture** is a civil proceeding in which the law enforcement agency asks the court to transfer ownership of the property from the defendant to the government. The government may then sell the property at auction or use the property for law enforcement purposes. For example, the law enforcement agency seizes the car of a drug dealer. After the forfeiture proceeding, the car could then be used for the Drug Abuse Resistance Education (DARE) program.

Because forfeiture deprives a person of interest of his or her property, officers must have probable cause to seize the property. Courts closely scrutinize law enforcement officers' actions and motives in seizing property. The Fourth Amendment guards against not only unreasonable searches but also unreasonable seizures. Officers must use great care in applying principles of constitutional search and seizure law before seizing property under the Florida Contraband Forfeiture Act. Illegal pretextual stops, reliance upon drug-courier profiles, or racial or ethnic profiling must never be any part of the basis for a contraband seizure. These topics are discussed in greater detail elsewhere in this curriculum.

Officers must remember that the purpose of the seizure and forfeiture of contraband is never to obtain revenue, but to further the law enforcement's purposes of public safety, the safety of law enforcement officers, or the investigation and prosecution of criminal activity. Florida has established mandatory guidelines for seizure and forfeiture of contraband. Officers should be familiar with these guidelines and their department's forfeiture policies.

SECTION VOCABULARY

Carroll doctrine

curtilage

exclusionary rule

exigent circumstances

forfeiture

search

search warrant

seizure

UNIT 2 | LEGAL CONCEPTS

LESSON 3 | Laws of Arrest

OBJECTIVES

LE754.1. Contrast arrest and arrest warrant as provided in the Florida Statutes.

LE754.2. Describe situations in which a law enforcement officer is authorized to make a legal warrantless arrest.

LE754.3. List the statutory exceptions to the misdemeanor arrest requirement.

LE754.4. Explain the notice to appear as provided in the Florida Rules of Criminal Procedure.

LE754.5. Explain how a probable cause affidavit is used in the U.S. court system.

LE754.6. Explain what the doctrine of fresh pursuit legally allows a law enforcement officer to do in the performance of his or her duties.

LE754.7. Recognize jurisdictional issues regarding fresh pursuits as provided in the Florida Statutes.

LESSON GOAL: At the end of this lesson, you will understand the authority to make an arrest and the circumstances for making an arrest with or without a warrant.

Authority to Arrest

Chapter 901 of the Florida Statutes gives law enforcement officers the authority to make arrests. An **arrest** is defined as depriving a person of his or her liberty by legal authority. There are two types of arrests under Florida law: arrest with a warrant, s. 901.02, F.S., and arrest without a warrant, s. 901.15, F.S.

An **arrest warrant** is a court order authorizing law enforcement to take the individual named on the warrant into custody to answer for charges specified in the warrant. Probable cause contained in an affidavit is required to obtain an arrest warrant.

Section 901.19, F.S., authorizes law enforcement officers to enter the residence of a wanted person in order to make an arrest. Based upon case law (*Steagald v. U.S.*, 451 U.S. 204 (1981)), in order to enter a third party's residence to arrest a subject named in an arrest warrant, officers must obtain a search warrant or articulate the basis for an applicable search warrant exception.

Warrantless Arrests

A law enforcement officer may make a probable cause arrest without a warrant under the following circumstances:

1. The person has committed a felony or misdemeanor or violated a county or municipal ordinance in the presence of the officer.
2. The person committed a felony outside of the officer's presence, but the officer has probable cause to believe that the person committed it.
3. A warrant for arrest has been issued and is being held by another law enforcement officer or agency.
4. The general rule is that an officer may not make an arrest for a misdemeanor which does not occur in his or her presence. The Florida Statutes contain misdemeanor exceptions to this rule, including the following:
 - Carrying a Firearm in Violation of an Injunction (s. 790.233, F.S.)
 - Battery (s. 784.03, F.S.)
 - Act of Retail Theft (s. 812.015, F.S.)
 - Traffic Offenses Related to Crash Investigation (ss. 316.645 and 318.17, F.S.)

- Carrying a Concealed Weapon (s. 790.02, F.S.)
- Disorderly Conduct on Premises of Establishment (s. 509.143, F.S.)
- Theft from a Dining or Lodging Establishment (s. 509.162(3), F.S.)
- Trespass on School Grounds (s. 810.097, F.S.)
- Possession of Cannabis <20 grams (s. 893.13(6)(b), F.S.)
- Stalking (s. 784.048, F.S.)
- Transit Fare Evasion (s. 812.015(4), F.S.)
- Criminal Mischief (s. 806.13, F.S.)
- Trespass on Certain Properties (s. 810.08, F.S.)
- Act of Domestic Violence (s. 741.28, F.S.)
- Violation of Injunction for Protection (ss. 741.31 and 784.047, F.S.)

Notice to Appear

After an officer has developed probable cause, he or she has three choices: terminate the encounter, issue a notice to appear, or physically take the suspect into custody.

According to the Florida Rule of Criminal Procedure 3.125, a ***notice to appear*** is a written order that may be issued by a law enforcement officer in lieu of a physical arrest requiring a person accused of violating the law to appear in court at a specified date and time. It may be used only under limited circumstances for misdemeanor offenses, municipal or county ordinance violations, and criminal traffic violations. The officer advises the defendant of the charges and releases him or her at the scene, provided that he or she signs the notice and promises to appear in court.

According to the Florida Rules of Criminal Procedure 3.125, an officer may issue a notice to appear, except in any of the following circumstances:

1. The accused fails or refuses to sufficiently identify him- or herself or supply the required information.
2. The accused refuses to sign the notice to appear.
3. The officer has reason to believe that the continued liberty of the accused constitutes an unreasonable risk of bodily injury to the accused or others.
4. The accused has no ties with the jurisdiction reasonably sufficient to assure his or her appearance, or there is substantial risk that the accused will refuse to respond to the notice.
5. The officer has any suspicion that the accused may be wanted in any jurisdiction.
6. The accused has previously failed to respond to a notice or a summons or has violated the conditions of any pretrial release program.

The Rules of Criminal Procedure provide a Notice to Appear form. Most agencies provide their own form, based on the standard form, which may be combined with the probable cause affidavit.

SECTION VOCABULARY*arrest**arrest warrant**fresh pursuit**notice to appear**probable cause affidavit***Probable Cause Affidavit**

A *probable cause affidavit*—also called an arrest affidavit—is a sworn, written statement by a law enforcement officer establishing certain facts and circumstances to justify an arrest. This document is used by the judge to determine if there was sufficient probable cause to detain the individual. The assistant state attorney may also review the document to decide whether to file formal charges for the alleged crime. An officer should remember that the probable cause affidavit is an officer’s statement of the facts made under oath and may be used by the defense attorney in preparing the defense.

Fresh Pursuit

Fresh pursuit is a legal doctrine that permits a law enforcement officer to make an arrest of a fleeing suspect who crosses jurisdictional lines. It is an exception to the general rule that a Florida officer’s arrest powers are limited to the jurisdiction of the agency that employs the officer. Fresh pursuit does not necessarily mean high-speed pursuit. It may be very brief and undramatic.

The fresh pursuit statute—s. 901.25, F.S.—removed a barrier that allowed criminals to escape to the next county or otherwise beyond the officer’s jurisdiction. There are a number of statutory and case law conditions and procedures that must be followed by officers pursuing a suspect into another jurisdiction.

The offense must have occurred within the pursuing officer’s jurisdictional boundaries. If a criminal offense was committed for which a probable cause arrest may be made, the officer may leave his or her jurisdiction to arrest the suspect. The pursuit must be continuous and uninterrupted; however, the pursuing officer does not need to be in constant visual contact with the subject before making the arrest. However, the commission of the offense and the pursuit of the suspect must be closely related in time. When the arrest occurs in another jurisdiction, the arresting officer must notify the officer in charge of that jurisdiction and must take the suspect before a trial judge in the county where the arrest occurred.

Officers must follow their agency policies regarding fresh pursuit, which may be more restrictive than state law.

UNIT 2 | LEGAL CONCEPTS

LESSON 4 | Use of Force

LESSON GOAL: At the end of this lesson, you will understand the legal basis for using force by examining related court cases.

Objective Reasonableness

Law enforcement officers have been granted certain powers through statutes and case law. Many of these powers include an authorization to use physical force. It is the duty of the individual officer to determine the appropriate level of force based upon the facts and circumstances of each situation.

The Fourth Amendment governs police contact with individuals by protecting people from unreasonable search and seizure by the government. When a law enforcement officer decides to detain, arrest, or use any level of force against an individual, the officer's actions will be scrutinized through the reasonableness test of the Fourth Amendment.

In *Graham v. Connor*, 490 U.S. 386 (1989), the United States Supreme Court held that all law enforcement use of force cases are to be judged by an objective reasonableness standard based upon the Fourth Amendment. The use of force is to be judged from the perspective of a reasonable officer under the same circumstances without the benefit of hindsight. The Court clearly considered that officers are often required to make split-second, sometimes deadly, decisions in circumstances that are “tense, uncertain, and rapidly evolving.” The Court concluded that the objective reasonableness test is not a precise or clear rule but requires a careful review of the facts and circumstances of each case, including the severity of the crime, whether the suspect posed an immediate threat to the safety of officers or others, and whether the suspect was actively resisting arrest or attempting to evade arrest by flight.

The objective reasonableness test requires the officer to answer two questions about the level of force used in any situation: Was the action reasonable and necessary, and was the amount of force applied reasonable and necessary?

Officers are faced with use of force decisions in certain circumstances. Each of these is governed by both case law interpreting the U.S. Constitution and Chapter 776 of the Florida Statutes.

OBJECTIVES

LE760.1. Explain the objective reasonableness standard as interpreted and applied by case law.

LE760.2. State the questions that a law enforcement officer will have to answer in any use of force situation.

LE760.3. Explain the law authorizing use of force for arrest or detention by law enforcement officers.

LE760.4. Identify when an officer may use deadly force to apprehend a fleeing felon.

SECTION VOCABULARY*deadly force***Use of Force in Arrest and Detention:
Section 776.05, F.S.**

A law enforcement officer is justified in the use of any force when the officer reasonably believes it to be necessary to defend him- or herself or another person from bodily harm while making an arrest, when it is necessary for retaking felons who have escaped, and when it is necessary in arresting felons fleeing from justice.

The statute further explains the three conditions required before an officer may use deadly force in stopping a fleeing felon: when deadly force is necessary to prevent the suspect from escaping; when a warning has been given, when feasible; when the officer reasonably believes that the fleeing felon poses a threat of death or serious physical harm to the officer or others; or when the fleeing felon has committed a crime involving the infliction or threatened infliction of serious physical harm to another person.

In *Tennessee v. Garner*, 471 U.S. 1 (1985), the United States Supreme Court struck down a Tennessee law which allowed law enforcement officers to use whatever force was necessary to stop fleeing felons. Using the objective reasonableness standard, the court found the statute unconstitutional and set forth the guidelines for using deadly force now found in s. 776.05(3), F.S. Case law has further established that a law enforcement officer is not required to use alternative methods short of deadly force to resolve a deadly force situation. The only question that they will be asked is whether the decision to use deadly force was reasonable. Florida law defines **deadly force** as any force that is likely to cause death or great bodily harm under s. 776.06, F.S. The most common deadly force incidents involve the use of a firearm. The statute further establishes that shooting at a fleeing motor vehicle constitutes deadly force.

Law enforcement officers are also authorized to use reasonable and necessary force to affect an investigative detention (*Terry stop*). The Florida courts have recognized that officers may draw their weapons when conducting an investigative detention when they reasonably believe that the use of weapons is necessary to protect themselves or prevent a suspect's ability to flee. The *State v. Hendrex*, 865 So.2d 531 (Fla. 2nd DCA 2003), review denied 879 So.2d 621 (Fla. 2004). The court stated, "the fact that the investigative stop was effected at gunpoint did not convert the stop to an arrest."

**Use of Force to Prevent Escape:
Section 776.07, F.S.**

The statute authorizes law enforcement officers to use reasonable and necessary force in order to prevent the escape of an arrested person. The use of deadly force under this circumstance would be analyzed under the factors set forth in *Tennessee v. Garner* and contained in s. 776.05(3), F.S. Furthermore, the statute authorizes law enforcement and corrections officers to use deadly force to prevent the escape of an inmate from a penal institution (prison or county jail).

UNIT 2 | LEGAL CONCEPTS

LESSON 5 | Laws of Interrogation

LESSON GOAL: At the end of this lesson, you will understand when *Miranda* warnings are required.

Officers regularly gather information from victims, witnesses, and suspects during investigations. They interview victims and witnesses to find out what occurred, who was involved and other important facts. They then use information to develop probable cause against suspects. Conducting interviews with victims and witnesses will be discussed in a later chapter.

When suspects are identified, officers may interrogate them. Certain legal rules must be followed to protect the suspect's legal rights and ensure that the suspect's statements are admissible later in court. The landmark decision in suspect interrogation was the *Miranda* decision in 1966.

***Miranda* Decision**

Until the *Miranda* case, the law presumed that people knew their Constitutional rights. The *Miranda* decision put the burden of explaining Fifth and Sixth Amendment rights on the law enforcement officer. Failure to inform a person of these Constitutional rights during a custodial interrogation may result in an admission or confession not being allowed in court.

In 1966, the United States Supreme Court decided the landmark case of *Miranda v. Arizona*, 384 U.S. 436, 86 S.Ct. 1602 (1966). The decision affected law enforcement throughout the United States. In *Miranda*, the Court decided that whenever a law enforcement officer questions a suspect in custody, the officer must advise the person of certain constitutional rights. These rights include the right to remain silent and the right to have an attorney present when being questioned by law enforcement. If the officer fails to follow the rules set forth in *Miranda*, any statement or admission obtained from the interrogation cannot be used in court.

There are four elements to the *Miranda* decision: custody, interrogation, understanding, and free and voluntary waiving of rights. The *Miranda* requirements are necessary whenever the law enforcement officer conducts a custodial interrogation.

Custody

Custody means the suspect is deprived of freedom in a significant way. Generally, interviews at the scene—such as *Terry* stops, traffic stops, and field sobriety exercises—are not considered custody because they are typically brief in nature. Handcuffing the

OBJECTIVES

LE752.1. Distinguish an interview from an interrogation in a law enforcement setting.

LE752.2. Explain the importance of the *Miranda* decision for conducting a legal interrogation.

LE752.3. Identify the key aspects of the *Miranda* decision as provided in case law.

LE752.4. Explain when to administer *Miranda* warnings in an interrogation process.

LE752.5. Describe the concept of custody in relation to the *Miranda* decision.

LE752.6. Summarize case law on the *Miranda* decision regarding the legality of custody.

LE752.7. Explain the elements of interrogation in relation to the *Miranda* decision.

LE752.8. Explain the significant case law rulings on the *Miranda* decision regarding interrogation.

LE752.9. Report how to correctly administer *Miranda* warnings to a suspect during the interrogation process.

LE752.10. Explain the importance of ensuring that a suspect understands his or her constitutional rights prior to an interrogation.

LE752.11. Explain the importance of administering a waiver of rights prior to an interrogation.

LE752.12. Summarize the actions a law enforcement officer may take when a suspect invokes his or her *Miranda* rights.

subject or otherwise restricting his or her movement so that he or she is not free to leave is considered custody. In deciding whether a person is in custody for the purpose of *Miranda*, courts ask two questions: first, what were the facts and circumstances surrounding the interrogation; second, given those circumstances, would a reasonable person have felt he or she was not at liberty to terminate the interrogation and leave. See *Thomas v. Keohane*, 516 U.S. 99, 112 (1995).

If, from all of the circumstances, it appears that the subject was not free to terminate the interrogation and leave, and a reasonable person in the subject's place would have believed that he or she was not free to leave, then the subject was in custody and *Miranda* warnings were required. See *Stansbury v. California*, 511 U.S. 318 (1994). The most common custody situations involve subjects who are physically placed under arrest. Officers must be careful not to create a police-dominated environment that would give a reasonable person the impression that he or she is under arrest.

In *Ramirez v. State*, 739 So.2d 568 (1999), the court ruled that "The determination of whether a reasonable person in the suspect's position would consider himself in custody for purposes of *Miranda* requires consideration of the manner in which the police summoned the suspect for questioning; the purpose, place, and manner of custodial interrogation; the extent to which the suspect is confronted with evidence of his guilt; whether the suspect is informed that he is free to leave the place of questioning."

Interrogation

Many agencies in Florida prefer the expression "custodial interview" to refer to the process of interrogating or questioning a suspect; however, Florida courts routinely use the term "interrogation." The elements of interrogation include questioning initiated by law enforcement that is directly or indirectly intended to elicit an incriminating response. An example of direct questioning would be, "Did you shoot the victim?" Indirect questioning involves officers making comments that could elicit an incriminating statement. See *Rhode Island v. Innis*, 446 U.S. 291 (1980), and *Brewer v. Williams*, 430 U.S. 387 (1977).

Often, a suspect who is in custody will voluntarily give information even when not solicited through questioning. These statements, known as spontaneous statements, will be admissible even if an officer does not advise the suspect of the *Miranda* rights. The officer may allow the suspect to continue talking but may not ask the suspect any questions without giving *Miranda* warnings.

Not all questions posed to a suspect, such as biographical data, are considered part of an interrogation, and therefore are not subject to *Miranda* rules.

Giving *Miranda* Warnings

Officers are only required to provide a suspect with *Miranda* warnings when the elements of custodial interrogation have been satisfied. Once the *Miranda* warnings are required, the rights should be read one at a time from an agency-provided *Miranda* card

or form. Although the law does not require that *Miranda* warnings be given identically every time, officers should get in the habit of always reading from a *Miranda* card or form. Not only will this guarantee that none of the rights are forgotten or mixed up, it can also enhance the officer's courtroom testimony. Defense attorneys can do little with an officer who testifies that he or she always reads *Miranda* from the card or form. It may also help the officer avoid liability for failure to follow policy.

Miranda Cards

Officers usually are issued a *Miranda* card to use when reading the *Miranda* rights to a subject.

<i>Miranda</i> Warning	Acknowledgment of Rights
<p>1. You have the right to remain silent.</p> <p>2. Anything you say can and will be used against you in court.</p> <p>3. You have the right to call or obtain an attorney at this time and have one present now or at any time during questioning.</p> <p>4. If you cannot afford an attorney and you want one before or at any time during questioning, one will be provided for you.</p> <p>5. If you decide to answer questions now, you have the right to stop answering at any time during questioning.</p>	<p><i>After the warning and in order to secure a waiver, the following questions should be asked and an affirmative reply secured to questions (1) and (3). If the individual has previously asked for an attorney, no valid waiver may be obtained, unless he or she initiated the conversation.</i></p> <p>1. Do you understand each of these rights I have explained to you?</p> <p>2. Have you previously requested any law enforcement officer to allow you to speak to an attorney?</p> <p>3. Having these rights in mind, do you wish to talk to us now?</p>

Miranda warning & acknowledgment of rights

Figure 2-2

Understanding

The officer must ensure that the defendant understands his or her rights, taking into account once identified concerns relating to the defendant's age, national origin, education, circumstances of the advising of rights, mental or physical disability, and whether or not the defendant is under the influence of an intoxicating substance. Document any measures taken to address these issues for any future court proceedings.

Waiver of Rights

Once the suspect has been advised of his or her *Miranda* rights, a waiver is required before questioning may commence. The waiver ensures that the suspect understands his or her rights and will speak with the officer. A written waiver is preferred but not essential. A waiver can be verbal or even implied. The waiver of rights must be freely and voluntarily given. An officer may not make any promises or coerce the defendant in order to obtain a confession.

SECTION VOCABULARY*custody**interrogation*

Note: While the methods of interrogating juveniles are the same, special rules apply to them. Officers should be particularly cautious when interrogating a juvenile suspect. A later lesson will cover these rules.

Invocation of Rights

If the suspect makes a clear and unequivocal request to invoke any of his or her rights under *Miranda*, all questioning must cease immediately. Officers should remember that there are several rights included in the *Miranda* warnings.

If the suspect invokes only his or her right to remain silent, the officer may re-initiate the interrogation after “a significant lapse of time,” as stated by the U.S. Supreme Court. On the other hand, if the suspect requests an attorney, no further questioning is allowed unless the suspect’s attorney is present. If an in-custody suspect, in response to *Miranda* warnings, invokes his right to counsel, law enforcement may re-initiate contact with the suspect if the suspect experiences a break in police custody of at least 14 days. *Miranda* warnings should be provided to the suspect again (*Maryland v. Shatzer*, 559 U.S. 98 (2010)).

The right to counsel contained in the *Miranda* warnings is crime specific. Therefore, an officer may not question the suspect about a burglary when the suspect was arrested on completely unrelated charges.

UNIT 3 | SUBSTANTIVE CRIMINAL LAW

LESSON 1 | Criminal Intent

LESSON GOAL: At the end of this lesson, you will understand the significance of intent in determining whether an act is criminal.

Proving a Criminal Offense

Before a person can be charged with a criminal offense, the officer must have evidence that a crime has been committed. This is the legal principle known as *corpus delicti* or “body of the offense.” The officer must determine whether the elements of a criminal act are present and have probable cause to believe that the person to be charged committed the crime.

Generally, to prove that a crime has been committed, it must be shown that a criminal statute specifically prohibits the alleged act or omission and that the person committing the act or omission did so knowingly or intentionally.

In most cases, a criminal offense requires an offender to take some physical action or act toward committing the criminal offense. Mere thoughts do not constitute criminal liability. However, a person may also commit a criminal act by failing to act, that is, by omission. To base criminal liability on failure to act, it must first be found that the person had a legal duty to act and not simply a moral duty.

To determine whether a statute specifically prohibits an alleged act or an omission to act, or to determine the requisite intent to commit the crime, an officer needs to determine what specific acts or facts must be present before an offender can be charged with a crime.

Intent

For an offender to be guilty of a criminal offense, the offense must be defined so that the offender engages in specific conduct or intentionally produces a specified result. **Intent** is defined as purposely doing what the law declares to be a crime, whether the person’s purpose was to commit the crime or to meet its outcome.

Categories of Criminal Intent

Under criminal law principles, there are four basic classifications of intent: general, specific, transferred, and criminal negligence.

General intent defines most criminal offenses and requires some forbidden act by the offender. To qualify as an act, the offender’s bodily movement must be voluntary. Therefore, to some extent, all crimes requiring an act also require at least

OBJECTIVES

LE138.5. Explain how a law enforcement officer determines if a crime has been committed.

LE138.6. Define criminal intent as provided in Florida law.

LE138.7. Distinguish the legally recognized categories of criminal intent.

SECTION VOCABULARY

corpus delicti

criminal negligence

culpable negligence

general intent

intent

specific intent

transferred intent

the offender's intention to make the bodily movement, which becomes the act to commit the criminal offense.

In other words, for general intent crimes the only thing that needs to be proved is that the suspect intentionally committed the illegal act. For example, battery is a general intent crime.

Specific intent requires an expectation of a particular result, which requires a heightened mental state of intent to commit the act. A specific intent crime will list in the statute the specific elements which must be met. In other words, it must be proved that the suspect intentionally committed the act with a particular purpose or desire in mind. For example, a battery would be considered an act of general intent, whereas a battery on an individual based on his or her race or ethnicity (hate crime) would be a specific intent crime because the individual is being targeted for that specific reason.

Transferred intent is present when an intentional act harms an unintended second victim. For example, a person intending to shoot one victim misses and unintentionally strikes a second victim.

The fourth category of intent, sometimes referred to as **criminal negligence** or recklessness, imposes criminal liability on defendants when they did not intend for a behavior to cause the resulting harm. Simple negligence cannot give rise to criminal charges; it is only when that negligence is gross or flagrant that it reaches the level of criminal responsibility called culpable negligence. **Culpable negligence** is consciously doing an act that the person knew or should have known was likely to cause death or great bodily injury. An example of this fourth category of intent is vehicular homicide.

For criminal liability to exist based on an offender's act, there must also be a causal relationship between the offender's act and the resulting harm. The offender's conduct must cause the result. In other words, if not for the offender's conduct, the result would not have occurred. It is not enough for an offender to act and expect a specified result; the result must follow the offender's act. The crime ultimately charged must bear some causal relationship to the actions of the defendant. Situations involving transferred intent are complex, and officers generally should seek legal or supervisory advice prior to determining what crime, if any, will be charged based upon a theory of transferred intent.

UNIT 3 | SUBSTANTIVE CRIMINAL LAW

LESSON 2 | Elements of Crimes

LESSON GOAL: At the end of this lesson, you will be able to list the elements of the most commonly encountered crimes and articulate the elements in a report.

Black's Law Dictionary defines a **crime** as an act that the law makes punishable. Officers must be familiar with the elements of specific crimes in order to be able to recognize a violation of a statute, apply the statute to an incident, write a report and affidavit, and testify effectively in court. The following crimes are the most common crimes that officers will encounter (other than traffic offenses).

Theft, s. 812.014, F.S., Misdemeanor/Felony

The State must prove the following elements to convict a suspect of theft:

1. The offender knowingly and unlawfully obtained or used or endeavored to obtain or use the property of another.
2. The offender did so with intent, either temporarily or permanently, to deprive victim of his or her right to the property or any benefit from it with the intent to deprive the victim of its use, or appropriate the property of the victim to his or her own use or to the use of any person not entitled to it.

Retail Theft, s. 812.015(1), F.S., Misdemeanor/Felony

The State must prove the following elements to convict a suspect of retail theft:

1. The offender knowingly did one of the following:
 - a. took possession of or carried away merchandise
 - b. altered or removed a label or price tag from merchandise
 - c. transferred merchandise from one container to another
 - d. removed a shopping cart from a merchant's premises
2. The offender intended to deprive the merchant of the possession, use, benefit, or full retail value of the merchandise or shopping cart.

The theft statute details many different classifications of offenses and penalties. Theft crimes are initially divided between grand theft and petit theft. If the property stolen is valued at less than \$300, the offender commits the misdemeanor of petit theft. If the property is valued at \$100 or more but less than \$300, and is taken from a dwelling or the curtilage thereof, stealing it is a felony. If the property stolen is valued at over \$300, the offender commits the felony of Grand Theft. See chapter 812, F.S., for details.

OBJECTIVES

- LE716.1.** Differentiate between the elements of theft and robbery in relation to the provisions of the Florida Statutes.
- LE716.2.** Explain the elements of trespass on property or in a structure or conveyance as provided in the Florida Statutes.
- LE716.3.** Explain the elements of burglary as provided in the Florida Statutes.
- LE716.4.** List the elements of loitering and prowling as provided in the Florida Statutes.
- LE716.5.** Explain the elements of assault as provided in the Florida Statutes.
- LE716.6.** Explain the elements of battery as provided in the Florida Statutes.
- LE716.7.** Explain the elements of domestic violence as provided in the Florida Statutes.
- LE716.8.** Explain the meaning of domestic violence as provided in the Florida Statutes.
- LE716.9.** List the various types of homicide as provided in the Florida Statutes.
- LE716.10.** List the elements of disorderly conduct as provided in the Florida Statutes.

- LE716.11.** List the elements of disorderly intoxication as provided in the Florida Statutes.
- LE716.12.** List the elements of open house party offenses as provided in the Florida Statutes.
- LE716.13.** Summarize the elements of alcoholic beverage and tobacco product offenses regarding people under the age of 21, as provided in the Florida Statutes.
- LE716.14.** Explain the elements of drug offenses as provided in the Florida Statutes.
- LE716.15.** List the elements of a person resisting officer arrest as provided in the Florida Statutes.
- LE716.16.** Contrast stalking, harassment, and cyber-stalking as provided in the Florida Statutes.
- LE716.17.** Explain the elements of stalking as provided in the Florida Statutes.
- LE716.18.** Explain the elements of sexual battery as provided in the Florida Statutes.
- LE716.19.** Explain the elements of exposure of sexual organs as provided in the Florida Statutes.
- LE716.20.** Explain the elements of lewd or lascivious offenses as provided in the Florida Statutes.
- LE716.21.** List the elements of voyeurism as provided in the Florida Statutes.
- LE716.22.** List the elements of gambling as provided in the Florida Statutes.

Note: A person who commits petit theft and who has been previously convicted of any theft commits a misdemeanor. A person who commits petit theft, and who has been previously convicted two or more times of petit theft, commits a felony. Regardless of its value, sometimes a felony is determined by the type of property stolen:

- will or other testamentary instrument
- firearm
- motor vehicle
- any commercially farmed animal
- an aquaculture species raised at a permitted aquaculture facility
- fire extinguisher
- 2,000 pieces of citrus fruit
- property from a posted construction site
- any stop sign
- property, funds, or assets from a person 65 years of age or older
- anhydrous ammonia

Robbery, s. 812.13, F.S., Felony

The State must prove the following four elements to convict a suspect of robbery:

1. The offender took the money or property from the victim or from custody of the victim.
2. Force, violence, assault, or putting in fear of violence was used in the course of the taking.
3. The property taken was of some value.
4. The taking was with the intent to permanently or temporarily deprive the victim of his or her right to the property or any benefit from it.

The difference between theft and robbery is that robbery involves the use of force against a person.

Robbery by Sudden Snatching, s. 812.131, F.S., Felony.

The State must prove the following elements to convict a suspect of robbery by sudden snatching:

1. The offender took the money or property from the victim or from custody of the victim.
2. The property taken was of some value.
3. The victim was or became aware of the act in the course of the taking.
4. The taking was with the intent to permanently or temporarily deprive the victim of his or her right to the property or any benefit from it.

Carjacking, s. 812.133, F.S., Felony.

The State must prove the following elements to convict a suspect of carjacking:

1. The offender took the motor vehicle from the victim or custody of the victim.
2. Force, violence, assault, or putting in fear of violence was used in the course of the taking.
3. The taking was with the intent to permanently or temporarily deprive the victim of his or her right to the vehicle or any benefit from it.

Home Invasion Robbery, s. 812.135, F.S., Felony.

The State must prove the following elements to convict a suspect of home invasion robbery:

1. The offender entered the dwelling of the victim.
2. At the time that the offender entered the dwelling, he or she intended to commit robbery.
3. While inside the dwelling, the offender did commit robbery.

Trespass—In Structure or Conveyance, s. 810.08, F.S., Misdemeanor/Felony

The State must prove the following elements to convict a suspect of trespassing in a structure/conveyance:

1. Whoever, without being authorized, licensed, or invited, willfully enters or remains in any structure or conveyance, or, having been authorized, licensed, or invited, is warned by the owner or lessee of the premises, or person authorized by the owner or lessee, to depart and refuses to do so.
2. The structure or conveyance was in the lawful possession of the owner, lessee, or other person authorized by the owner or lessee.

If the offender is armed or becomes armed the trespass becomes a felony.

Structure means a building of any kind, either temporary or permanent, which has a roof over it, together with the curtilage thereof.

Conveyance means any motor vehicle, ship, vessel, railroad vehicle or car, trailer, aircraft, or sleeping car; and “to enter a conveyance” includes taking apart any portion of the conveyance.

Dwelling means a building or conveyance of any kind, including any attached porch, whether such building or conveyance is temporary or permanent, mobile, or immobile, which has a roof over it and is designed to be occupied by people lodging therein at night.

LE716.23. Explain the elements of prostitution as provided in the Florida Statutes.

LE716.24. Explain the elements of carrying a concealed weapon as provided in the Florida Statutes.

LE716.25. Explain the elements of criminal mischief offenses as provided in the Florida Statutes.

LE716.26. List the elements of fraudulent use of a credit card as provided in the Florida Statutes.

LE716.27. Explain the elements of criminal use of personal identification information as provided in the Florida Statutes.

LE716.28. Explain the elements of forgery offenses as provided in the Florida Statutes.

LE716.29. Explain the elements of abuse offenses as provided in the Florida Statutes.

LE716.30. Explain the elements of false imprisonment as provided in the Florida Statutes.

LE716.31. List the elements of kidnapping as provided in the Florida Statutes.

LE716.32. List the elements of luring or enticing a child as provided in the Florida Statutes.

LE716.33. Explain the elements of human trafficking as provided in the Florida Statutes.

LE716.34. List the elements of human smuggling as provided in the Florida Statutes.

Trespass—On Property Other than a Structure or Conveyance, s. 810.09, F.S., Misdemeanor/Felony

The State must prove the following elements to convict a suspect of trespassing on other property:

1. The offender willfully entered upon or remained in the property.
2. The property was owned by or was in the lawful possession of the owner, lessee, or other person authorized by the owner or lessee.
3. Notice against entering or remaining was given, either by actual communication to the offender or via posting, fencing, or cultivation of the property.
4. The offender's entering or remaining in the property was without permission, expressed or implied, of the owner, lessee, or any other person authorized to give that permission.

Although trespass is generally a misdemeanor, certain aggravating facts can enhance the offense to a felony. See ss. 810.08–09, F.S.

Burglary, s. 810.02, F.S., Felony

The State must prove the following elements to convict a suspect of burglary:

1. The offender entered and/or remained in a structure or conveyance owned by or in the possession of the victim.
2. The offender did not have the permission or consent of the victim, or anyone authorized to act for the victim, to enter and/or remain in the structure or conveyance at the time.
3. At the time of entering and/or remaining in the structure or conveyance, the offender had a fully formed, conscious intent to commit the crime that is listed in the charge.

A burglary involves an entry into some place without permission to enter in order to commit a crime therein.

Burglary can be charged in addition to the underlying crime such as theft or assault. Burglary involving assault, battery, a weapon, an explosive device, or entering into a dwelling, occupied structure, or conveyance carries a greater penalty (s. 810.02, F.S.).

Possession of Burglary Tools, s. 810.06, F.S., Felony

The State must prove the following elements to convict a suspect of the possession of burglary tools:

1. The offender intended to commit a burglary or trespass.
2. The offender had in his or her possession a tool, machine, or implement that he or she intended to use or allow to be used in the commission of the burglary or trespass.

Note: The Florida Standard Criminal Jury Instructions add that the offender committed some overt act toward the commission of a burglary or trespass.

Loitering or Prowling, s. 856.021, F.S., Misdemeanor

The State must prove the following elements to convict a suspect of loitering or prowling:

1. The offender loitered or prowled in a place at a time or in a manner not usual for law-abiding individuals.
2. Such loitering and prowling was under circumstances that warranted justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity.

Assault, s. 784.011, F.S., Misdemeanor

The State must prove the following elements to convict a suspect for assault:

1. The offender intentionally and unlawfully threatened, either by word or act, to do violence to the victim.
2. At the time, the offender appeared to have the ability to carry out the threat.
3. The act of the offender created in the mind of the victim a well-founded fear that the violence was about to take place.

The level of the crime can be enhanced when it is done on certain individuals or professions, such as a law enforcement officer or a firefighter.

Aggravated Assault, s. 784.021, F.S., Felony

The State must prove the following elements to convict a suspect of aggravated assault:

1. The offender intentionally and unlawfully threatened, either by word or act, to do violence to the victim.
2. At the time, the offender appeared to have the ability to carry out the threat.
3. The act of the offender created in the mind of the victim a well-founded fear that the violence was about to take place.
4. The assault was made with a deadly weapon without the intent to kill, or the assault was made with the intent to commit a felony.

Aggravated assault on certain individuals or professions, such as a law enforcement officer or firefighter, can enhance the level of the crime.

Battery, s. 784.03, F.S., Misdemeanor/Felony

The State must prove one of the following elements to convict a suspect of battery:

1. The offender actually and intentionally touched or struck the victim against the victim's will.
2. The offender intentionally caused bodily harm to the victim.

Note: A person who has one prior conviction for battery, aggravated battery, or felony battery and commits a second or subsequent battery, commits a felony of the third degree.

Battery on individuals of certain professions, such as law enforcement officers or firefighters, can enhance the level of the crime.

Felony Battery, s. 784.041, F.S., Felony

The State must prove the following elements to convict a suspect of felony battery:

1. The offender actually and intentionally touched or struck the victim against the victim's will.
2. The offender caused the victim great bodily harm, permanent disability, or permanent disfigurement.

Aggravated Battery, s. 784.045, F.S., Felony

The State must prove the following elements to convict a suspect of aggravated battery:

1. The offender intentionally touched or struck the victim against his or her will or caused bodily harm to the victim.
2. The offender, in committing the battery,
 - a. intentionally or knowingly caused great bodily harm, permanent disability, or permanent disfigurement to the victim, or
 - b. used a deadly weapon, or
 - c. knew or should have known that the victim was pregnant.

Aggravated battery on certain individuals or professions, such as a law enforcement officer or firefighter, can enhance the level of the crime.

Domestic Violence

There is not a specific charge of domestic violence. The actual crime would generally be one of the aforementioned with enhancement added to the charge, i.e., battery (domestic violence) or aggravated battery (domestic violence).

Domestic violence will be discussed in more detail in Criminal Investigations.

Pursuant to s. 741.28(2), F.S., ***domestic violence*** means:

any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another.

Section 741.28(3), F.S., defines ***family or household member*** as:

spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family, or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

Domestic Battery by Strangulation

To establish probable cause for domestic battery by strangulation, document that the suspect:

- knowingly and intentionally blocked the normal breathing and circulation of the blood of the victim against his or her will by applying pressure on the throat or neck of the victim or by blocking the nose or mouth of the victim,
- created a risk of great bodily harm to the victim, or caused great bodily harm to the victim, and
- was a family or household member of the victim or in a dating relationship with the victim.

Homicide

All criminal homicides are felonies. See chapter 782 of the Florida Statutes for more information, including the specific elements of each offense, and additional offenses.

Murder, s. 782.04, F.S.

Felony Murder, s. 782.04, F.S.

Manslaughter, s. 782.07, F.S.

Aggravated Manslaughter, s. 782.07, F.S.

Vehicular Homicide, s. 782.071, F.S.

DUI Manslaughter, s. 316.193, F.S.

Disorderly Conduct/Breach of Peace, s. 877.03, F.S., Misdemeanor

The State must prove one of the following elements to convict a suspect of disorderly conduct:

1. The act was of a nature to corrupt the public morals.
2. The act outraged the sense of public decency.
3. The act affected the peace and quiet of persons who witnessed it.
4. The person charged engaged in brawling or fighting.
5. The person charged engaged in any such conduct as to constitute a breach of peace or disorderly conduct.

Disorderly Intoxication, s. 856.011, F.S., Misdemeanor

The State must prove at least one of the following elements to convict a suspect of disorderly intoxication:

1. The offender was intoxicated and endangered the safety of another person or property.
2. The offender was intoxicated or drank any alcoholic beverage in a public place or in or upon a public conveyance and caused a public disturbance.

Open House Party, s. 856.015, F.S., Misdemeanor

The State must prove the following elements to convict a suspect of open house party:

1. An adult was in control of the residence.
2. The adult knowingly allows a social gathering.
3. The possession or consumption of alcoholic beverages or controlled substances by one or more minors occurs during the gathering.

Selling or Giving Alcoholic Beverages to a Person Under the Age of 21, s. 562.11, F.S., Misdemeanor

The State must prove the following elements:

1. The defendant sold, gave, or served the beverage.
2. The beverage was an alcoholic beverage.
3. The person served was under the age of 21.

Possession of Alcoholic Beverage by a Person Under the Age of 21, s. 562.111, F.S., Misdemeanor

The State must prove the following elements:

1. The defendant is under 21.
2. The defendant is in possession of or is consuming an alcoholic beverage.

Possession of Tobacco Products by a Person Under 18 Years of Age, s. 569.11, F.S., Noncriminal Infraction

The State must prove the following elements:

1. The defendant is under 18.
2. The defendant has in his or her possession a tobacco product.

Selling, Delivering, Bartering, Furnishing, or Giving Tobacco Products to Persons Under 18 Years of Age, s. 569.101, F.S., Misdemeanor

The State must prove the following elements:

1. The defendant sold, delivered, bartered, furnished, or gave the product.
2. The person served was under the age of 18.
3. The item sold, delivered, bartered, furnished, or given was a tobacco product.

Drug Offenses—Sale, Purchase, Manufacture, Delivery, or Possession with Intent, s. 893.13(1)(a), F.S., Felony

The State must prove the following elements to convict a suspect of a drug offense:

1. The offender sold, purchased, manufactured, delivered, or possessed with intent to sell, purchase, manufacture, or deliver a certain substance.
2. The substance was the specific substance alleged.
3. If possession is charged, the offender had knowledge of the presence of the substance.

Certain drugs and chemical substances are, by law, known as controlled substances. A “specific substance alleged” is a controlled substance.

Drug Abuse—Sale, Purchase, Manufacture, Delivery, or Possession within 1,000 feet of a School, ss. 893.13(1)(c), (d), F.S., Felony

The State must prove the following elements to convict a suspect of a drug offense within 1,000 feet of a school:

1. The offender sold, purchased, manufactured, delivered, or possessed with intent to sell, purchase, manufacture, or deliver a certain substance.
2. The act occurred in, on, or within 1,000 feet of the real property comprising a child care facility or a public or private elementary, middle, or secondary school between the hours of 6:00 a.m. and 12:00 midnight.
3. The substance was the specific substance alleged.
4. The offender had knowledge of the presence of the substance.

Drug Abuse—Possession, s. 893.13(6)(a), F.S., Felony and s. 893.13(6)(b), F.S., Misdemeanor*

The State must prove the following elements to convict a suspect of drug possession:

1. The offender possessed a certain substance.
2. The substance was the specific substance alleged.
3. The offender had knowledge of the presence of the substance.

**for possession of marijuana less than 20 grams or possession of 3 grams or less of a controlled substance described in ss. 893.03(1)(c)46.-50,114.-142, 151.-159, or 166.-173, F.S., and controlled substances listed in s. 893.03(5), F.S.*

Use or Possession of Drug Paraphernalia, s. 893.147(1), F.S., Misdemeanor

The State must prove the following elements to convict a suspect of use/possession of drug paraphernalia:

1. The offender used or had in his or her possession, with intent to use, drug paraphernalia.
2. The offender had knowledge of the presence of the drug paraphernalia.

Resisting Officer without Violence, s. 843.02, F.S., Misdemeanor

The State must prove the following elements to convict a suspect of resisting an officer without violence:

1. The offender resisted, obstructed, or opposed the victim (officer).
2. At the time, the victim (officer) was engaged in the execution of the legal process or the lawful execution of a legal duty.
3. At the time, the victim was an officer.

Resisting Officer with Violence, s. 843.01, F.S., Felony

The State must prove the following elements to convict a suspect of resisting an officer with violence:

1. The offender knowingly and willfully resisted, obstructed, or opposed the victim (officer) by offering to do him or her violence or by doing violence to him or her.
2. At the time, the victim (officer) was engaged in the execution of legal process or lawful execution of a legal duty.
3. At the time, the victim was an officer.

Stalking, s. 784.048(2), F.S., Misdemeanor

The State must prove that the offender willfully, maliciously, and repeatedly followed, harassed, or cyber-stalked the victim to achieve a conviction.

1. **Harass** means to engage in a course of conduct directed at a specific person which causes substantial emotional distress to that person and serves no legitimate purpose.
2. **Cyber-stalk** means to engage in a course of conduct to communicate, or cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

Aggravated Stalking, ss. 784.048(3), 784.048(4)*, and 784.048(5)**, F.S., Felony

The State must prove the following elements to convict a suspect of aggravated stalking:

1. The offender willfully, maliciously, and repeatedly followed, harassed, or cyberstalked the victim.

The offender made a credible threat with the intent to place the victim in reasonable fear of death or bodily injury to him- or herself.

**where an injunction has been entered, and the offender has knowledge of the injunction*

***where the victim is under 16 years of age*

Sexual Battery, s. 794.011, F.S., Felony

Sexual battery means oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, sexual battery does not include an act done for a bona fide medical purpose.

Consent means intelligent, knowing, and voluntary consent and does not include coerced submission. "Consent" shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender.

There are several factors to identify when determining the correct charge during a sexual battery investigation. These factors include:

- The victim's age
- The offender's age
- Consent
- Injuries to the victim
- Types of threats made to the victim
- Whether the victim was drugged by the offender
- Whether the victim was physically incapacitated
- Whether the victim is mentally defective
- Whether the victim is in custody or control of the offender who is a police officer, correctional officer, or probation officer.

Exposure of Sexual Organs, s. 800.03, F.S., Misdemeanor

The State must prove the following elements to convict a suspect of exposure of sexual organs:

1. The offender exposed or exhibited his or her sexual organs, or was naked.
2. The offender did so, or was naked, in a public place, on the private premises of another, or so near the private premises of another as to be seen from those private premises.

Note: The offender intended the exposure or exhibition of his or her sexual organs or nakedness to be in a vulgar, indecent, lewd, or lascivious manner.

Unnatural and Lascivious Acts, s. 800.02, F.S., Misdemeanor

The State must prove the following elements to convict a suspect of unnatural and lascivious acts.

1. The person commits any unnatural lascivious act with another person.

Unnatural means not in accordance with nature or with normal feelings or behavior.

Lascivious means a wicked, lustful, or unchaste, licentious, or sensual intent on the part of the person doing the act. Acts are not vulgar, indecent, lewd, or lascivious unless such acts cause offense to one or more persons or the acts substantially intrude upon the rights of others.

Lewd and Lascivious Offenses Committed upon or in the Presence of a Minor under 16, F.S. 800.04, Felony

Lewd or Lascivious Battery—Engaging in sexual activity or encouraging, forcing, or enticing any person to engage in sadomasochistic abuse, sexual bestiality, prostitution, or any other act involving sexual activity.

Lewd or Lascivious Molestation—Intentionally touching in a lewd or lascivious manner the breasts, genitals, genital area, or buttocks, or the clothing covering them or forcing or enticing a person to so touch the perpetrator.

Lewd or Lascivious Conduct—Intentionally touching a person in a lewd or lascivious manner, or soliciting a person to commit a lewd or lascivious act.

Lewd or Lascivious Exhibition—Intentionally masturbating; intentionally exposing the genitals in a lewd or lascivious manner; or intentionally committing any other sexual act that does not involve actual physical or sexual contact with the victim, including, but not limited to, sadomasochistic abuse, sexual bestiality, or the simulation of any act involving sexual activity in the presence of a victim.

Note: The specific charge will vary depending upon the age of the victim and the age of the offender.

Voyeurism, s. 810.14, F.S., Misdemeanor/Felony*

The State must prove the following elements to convict a suspect of voyeurism:

1. The defendant secretly observed the victim.
2. The act alleged was done with a lewd, lascivious, or indecent intent.
3. When the victim was observed he/she was in a dwelling, structure, or conveyance in which he/she had a reasonable expectation of privacy.

**Note: A second offense increases the crime to a felony.*

If the voyeurism is recorded, the incident is a violation of s. 810.145, F.S.

Gambling, s. 849.08, F.S., Misdemeanor/Felony

The State must prove the following elements to convict a suspect of gambling:

1. The defendant knowingly and unlawfully engaged in the activity.
2. The defendant played in any game of cards, keno, roulette, faro or other game of chance for money or thing of value.

Note: See section 849, F.S. for exceptions such as penny-ante card games, the lottery, and licensed Bingo establishments.

Prostitution, s. 796.07, F.S., Misdemeanor

The State must prove any of the following elements to convict a suspect of prostitution:

1. The offender knowingly and unlawfully:
 - a) owns, maintains, or operates any place or conveyance for the purpose of prostitution
 - b) offers or agrees to offer another person for the purpose of prostitution
 - c) receives or offers to receive any person into any place or conveyance for the purpose of prostitution
 - d) directs or offers to direct, take, or transport any person to any place with the intent to facilitate the prostitution
 - e) offers to commit an act of prostitution
 - f) solicits another person to commit prostitution
 - g) resides in or remains in any place or conveyance for the purpose of prostitution
 - h) aids or participates in any act of prostitution
 - i) purchases the services of any prostitute

Prostitution means the giving or receiving of the body for sexual activity for hire, but excludes sexual activity between spouses.

Carrying Concealed Weapon (without a license), s. 790.01, F.S., Misdemeanor/Felony

The State must prove the following elements to convict a suspect of carrying a concealed weapon without a license:

1. The defendant knowingly carried on or about his or her person the weapon alleged.
2. The weapon alleged was concealed from the ordinary sight of another person.

For the definitions of “weapon,” “electric weapon,” “device,” or “firearm,” see s. 790.001, F.S.

Criminal Mischief, s. 806.13, F.S., Misdemeanor/Felony*

The State must prove the following elements to convict a suspect of criminal mischief:

1. The offender injured or damaged property.
2. The property belonged to someone else.
3. The injury or damage was done willfully and maliciously.

Willfully means intentionally, knowingly, and purposely.

Maliciously means wrongfully, intentionally, without legal justification or excuse, and with the knowledge that injury or damage will or may be caused to another person or the property of another person.

**Misdemeanor value of loss is less than \$1,000. Felony value is \$1,000 or more, or one or more previous convictions.*

Fraudulent Use of Credit Card, s. 817.61, F.S., Misdemeanor/Felony

The State must prove one of the following elements to convict a suspect of fraudulent use of a credit card:

1. Use of a credit card for goods or services or anything of value without the consent of the cardholder
2. Use of a forged card

Criminal Use of Personal Identification Information (Identity Theft), s. 817.568, F.S., Felony

1. Any person who willfully and without authorization fraudulently uses or possesses with intent to fraudulently use
2. Personal identification information concerning an individual without first obtaining that individual's consent.

Personal identification information means a person's Social Security number, official state-issued or United States-issued driver license or identification number, alien registration number, government passport number, employer or taxpayer identification number, Medicare or food assistance account number, bank account number, credit or debit card number, and medical records.

Forgery, s. 831.01, F.S., Felony

The State must prove the following elements to convict a suspect of forgery:

1. The offender falsely made, altered, forged, or counterfeited a document (specified in statute).
2. The offender intended to injure or defraud some person or firm.

It is not necessary that the defendant intended to use the document or to profit from its use. It is sufficient if he or she intended that some person would use it to injure or defraud.

Uttering a Forged Instrument, s. 831.02, F.S., Felony

The State must prove the following elements to convict a suspect of uttering a forged instrument:

1. The offender passed or offered to pass as true a document (specified in statute).
2. The offender knew the document to be false, altered, forged or counterfeited.
3. The offender intended to injure or defraud some person or firm.

Giving a Worthless Check, s. 832.05, F.S., Misdemeanor/Felony*

The State must prove the following elements to convict a suspect of uttering a worthless check:

1. The offender drew, made, uttered, issued, or delivered the check admitted in evidence.
2. When the offender did so, there was not sufficient money on deposit in the bank to pay the check.
3. The offender knew when he or she wrote the check that he or she did not have sufficient money on deposit with the bank.
4. The offender knew he or she had no arrangement or understanding with the bank for the payment of the check when it was presented.
5. The check was in the amount of _____.*

*Less than \$150 merits a misdemeanor; more than \$150 merits a felony.

Even if all these elements are proved, the offender is not guilty if any of the following three defenses is proved:

1. The payee or holder knew that the offender's funds and credit at the bank at the time the check was given were insufficient to pay the check; or
2. The payee or holder had good reason to believe that the offender's funds and credit at the bank at the time the check was given were insufficient to pay the check; or
3. The check was post-dated.

Elder Abuse, s. 825.102, F.S.

The State must prove the following elements to convict a suspect of elder abuse:

1. Intentional infliction of physical or psychological injury upon an elderly person or disabled adult
2. An intentional act that could reasonably be expected to result in physical or psychological injury to an elderly person or disabled adult
3. Active encouragement of any person to commit an act that results or could reasonably be expected to result in physical or psychological injury to an elderly person or disabled adult

Elderly person means a person 60 years of age or older who is suffering from the infirmities of aging as manifested by advanced age or organic brain damage, or other physical, mental, or emotional dysfunctioning, to the extent that the ability of the person to provide adequately for the person's own care or protection is impaired.

Child Abuse, s. 827.03(1)(b), F.S., Felony

The State must prove the following elements to convict a suspect of **child abuse**:

1. The defendant committed at least one of the following:
 - a. intentionally inflicted physical or mental injury upon the victim
 - b. committed an intentional act that could reasonably be expected to result in physical or mental injury to the victim
 - c. actively encouraged another person to commit an act that results in or could reasonably have been expected to result in physical or mental injury to the victim
2. The victim is under the age of 18.

Note: Leaving a newborn infant at a hospital, emergency medical services station, or fire station without intent to return does not constitute a crime. See s. 827.035, F.S.

False Imprisonment, s. 787.02, F.S., Felony

The State must prove the following elements to convict a suspect of false imprisonment:

1. The defendant forcibly, by threat, or secretly confined, abducted, imprisoned, or restrained the victim against his or her will.
2. The defendant had no lawful authority.

Note: Confinement of a child under the age of 13 is against the child's will if such confinement is without the consent of the parent or legal guardian.

Kidnapping, s. 787.01, F.S., Felony

The State must prove the following elements to convict a suspect of kidnapping:

1. The defendant forcibly, secretly, or by threat confined, abducted, or imprisoned the victim against his or her will.
2. The defendant had no lawful authority.
3. The defendant acted with intent to:
 - a. hold for ransom or reward or as a shield or hostage, or
 - b. commit or facilitate commission of (applicable felony), or
 - c. inflict bodily harm upon or to terrorize the victim or another person, or
 - d. interfere with the performance of any governmental or political function

Luring or Enticing a Child, s. 787.025, F.S., Misdemeanor/Felony

The State must prove the following elements to convict a suspect of luring or enticing a child:

A person 18 years of age or older (misdemeanor); with previous conviction (felony)

- intentionally lures or entices, or attempts to lure or entice,
- a child under the age of 12
- into a structure, dwelling, or conveyance for other than a lawful purpose.

Human Trafficking, s. 787.06(3)(a), F.S., Felony

The State must prove one of the following elements to convict a suspect of human trafficking:

1. The defendant engaged or attempted to engage in human trafficking with the intent or knowledge that the trafficked person would be subjected to forced labor and services.
2. The defendant benefited financially by receiving anything of value from participation in a venture that subjected a person to forced labor or services.

Human trafficking means transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, or obtaining another person for the purpose of exploitation of that person (s. 787.06(2)(d), F.S.).

Human Smuggling, s. 787.07, F.S., Felony

The State must prove the following elements to convict a suspect of human smuggling:

1. The defendant transported into this state a person from another country who does not have authorization to enter the United States legally.
2. The defendant knew or should have known that the person does not have authorization to enter the United States legally.

SECTION VOCABULARY

child abuse

consent

conveyance

crime

cyber-stalk

domestic violence

dwelling

elderly person

family or household member

harass

human trafficking

lascivious

maliciously

personal identification information

prostitution

sexual battery

structure

unnatural

willfully

UNIT 3 | SUBSTANTIVE CRIMINAL LAW

LESSON 3 | Levels of Criminal Involvement

OBJECTIVES

- LE718.1.** Distinguish between the witness, victim, and suspect in an incident involving a crime.
- LE718.2.** Identify the statutory criteria for criminal responsibility, including principal in the first degree, accessory, and accessory after the fact.
- LE718.3.** Explain criminal attempt as defined in the Florida Statutes.
- LE718.4.** List the elements of solicitation as provided in the Florida Statutes.
- LE718.5.** List the elements of conspiracy as provided in the Florida Statutes.
- LE718.6.** Differentiate between solicitation and conspiracy to commit a crime as provided in the Florida Statutes.

LESSON GOAL: At the end of this lesson, you will be able to identify the role of each party involved in an incident.

Identifying People Involved in a Crime

Investigating officers must determine the identity of people involved in an incident, including witnesses, victims, and suspected perpetrators of a crime. Officers must also determine what each person knows about the incident and whether a person participated in the crime, was a victim, or merely witnessed it. Officers make initial determinations by questioning people, observing physical evidence at the scene, and reviewing documentation related to the incident.

A **witness** is any person who has information about some element of the crime or about evidence or documents related to the crime. A witness may have heard statements or observed events before, during, or after the crime. A witness may have information about a piece of physical evidence associated with the crime or knowledge of some document related to the crime.

A **victim** is a person or entity which suffers an injury as a result of a crime. The injury may involve physical harm, loss of money, loss of property, or damage to property. The victim of a crime such as an aggravated battery has a physical injury. A fraud victim has an injury in the form of lost money. Criminal mischief victims may have an injury in the form of property damage.

Not all crimes have an identifiable victim. For example, the crime of unlawful possession of a controlled substance has no specific victim. In victimless crimes, the victim is the state of Florida.

Section 960.001, F.S., provides that a victim has the right “to be informed, present, and to be heard, when relevant, at all crucial stages of a criminal or juvenile proceeding...” In some cases, the victim also has the right to be notified if the suspect is released from jail.

A **suspect** is the person believed to have committed a crime. An officer may identify a suspect directly by observing that person commit the crime, indirectly through statements or observations that witnesses provide, through the suspect’s own statements, or by learning of the person’s identity based on evidence collected while investigating the crime.

A person may directly commit a criminal violation by contributing to a crime in some other, more limited capacity. The way in which a person participated in the crime determines a person’s criminal responsibility.

Section 777.011, F.S., defines ***principal in the first degree***. If the defendant helped another person or other people to commit or attempt to commit a crime, the defendant is a principal and must be treated as if he or she had done all the things the other person or people did, if the defendant consciously intended that the criminal act be done; and the defendant did some act or said some word which was intended to and which incited, caused, encouraged, assisted, or advised another person or other people to actually commit, or attempt to commit, the crime. To be a principal in the first degree, a person does not have to be present when the crime is actually committed or attempted.

An ***accessory*** is defined as a person who aids or contributes in the commission or concealment of a crime. Section 777.03 of the Florida Statutes defines ***accessory after the fact*** as an offense with all of the following elements: (1) An offender commits a felony. (2) After committing the felony, another person maintains or assists the offender. (3) While giving assistance, the person knows that the offender committed the felony. (4) The person assists with the intent of helping the offender avoid or escape detection, arrest, trial, or punishment.

According to section 777.03(1)(a), if the person is related to the offender by blood or marriage as husband, wife, parent, grandparent, child, grandchild, brother, or sister, the person cannot be charged with accessory after the fact, except in the case of a third-degree felony, or if the person intends to help the offender avoid or escape detection, arrest, trial, or punishment. A family member may also be charged with accessory after the fact in certain crimes, for example, those involving the victimization of children.

Criminal Attempt

Section 777.04 (1), F.S., describes the conditions for charging a person with attempt. ***Attempt*** is an offense when either the person did some act toward committing the crime that went beyond just thinking or talking about it; or the person would have committed the crime except that someone or something prevented him or her from doing so, or the person failed. However, it is not an attempt if a person abandons the attempt to commit the offense or otherwise prevents the commission of the crime. Circumstances must show that the person completely and voluntarily gave up his or her criminal purpose.

Voluntary abandonment is not a defense to a crime when the suspect decides not to pursue the crime because of unforeseen difficulties in completing the crime or when detection of the criminal activity is imminent.

The seriousness of the crime that the person attempted to commit establishes the penalty for attempt. Generally, attempt is punishable at the level of offense just below the degree of crime that the offender attempted to commit.

For example, if the person attempts to commit a crime that is a third-degree felony, the attempt is a first-degree misdemeanor.

Solicitation: Section 777.04(2), F.S.

The State must prove the following elements to convict a suspect of ***solicitation***:

1. The offender solicited a person to commit a certain offense.
2. During solicitation, the offender commanded, encouraged, hired, or requested the other person to engage in specific conduct which would constitute the commission of the offense or attempt to commit the offense.

SECTION VOCABULARY*accessory**accessory after the fact**attempt**conspiracy**principal in the first degree**solicitation**suspect**victim**witness*

The seriousness of the crime that the offender solicited sets the penalty for solicitation. Generally, punishment for solicitation is the level of offense just below the degree of crime that the offender committed.

Conspiracy: Section 777.04(3), F.S.

The State must prove the following elements to convict a suspect of *conspiracy*:

1. The intent of the offender was that the offense (object of conspiracy) would be committed.
2. In order to carry out the intent, the offender agreed, conspired, combined, or confederated with the person(s) alleged to cause (object of conspiracy) to be committed either by them, or one of them, or by some other person.

It is not necessary that agreement, conspiracy, combination, or confederation to commit (object of conspiracy) be expressed in any particular words or that words pass between the conspirators. It is not necessary that the defendant do any act in furtherance of the offense conspired.

Conspiracy requires two or more parties with a criminal intent; therefore, if one of the two conspiring parties is a law enforcement officer or agent, then a conspiracy does not exist. If a person, after conspiring with one or more people to commit a crime, convinced one of them not to do so or prevented the commission of the crime in some other way, that person can use either action as a defense to the charge of criminal conspiracy.

For more information, officers should refer to the Florida Standard Criminal Jury Instructions and *Mickenberg v. State*, 640 So.2d 1210 (Fla. 2nd DCA 1994) regarding two or more persons to conspire.

UNIT 3 | SUBSTANTIVE CRIMINAL LAW

LESSON 4 | Legal Defenses to Criminal Responsibility

LESSON GOAL: At the end of this lesson, you will be able to anticipate possible issues the defense may raise in a criminal case.

Officers should be aware of potential legal defenses that suspects may raise in court. Throughout an investigation, an officer should anticipate these defenses and be prepared to rebut them with evidence to the contrary. However, an officer has a responsibility to investigate and notify the state attorney of any evidence that may point to the suspect's innocence. This type of evidence is known as ***exculpatory evidence***. Common legal defenses to criminal responsibility are explained below. An ***alibi*** is a suspect or defendant's claim that he or she was not present when the alleged act was committed. Officers need to follow up on any claim of an alibi in the investigation of a crime.

Mistake or ignorance of fact is a legal defense that is used when the accused does not possess the mental state required to commit a criminal offense because of a reasonably mistaken belief about the facts relating to the circumstances. It is not to be confused with diminished mental capacity or insanity. A defendant who does not have the intent necessary to commit the crime cannot be convicted. For example, a woman picks up someone else's luggage at the airport that is identical to hers. There was no criminal intent to steal; it was a mistake. She is not guilty of theft if she returns the luggage.

There is a special exception to this legal defense for controlled substances. Possession of a controlled substance presumes knowledge of the illicit nature of the substance, and the person in possession is therefore presumed guilty. Ignorance of the law—when a person believes that his or her conduct does not violate the law—is generally not recognized as a defense to criminal liability.

A person who faces a threat from another and commits a criminal act in response may have the legal defense of ***duress*** or ***coercion***. This defense requires that the person committing the act must reasonably believe that the only way to avoid death or great bodily harm to self or a third party is to commit the crime. The person under duress is faced with the choice between the lesser of two evils and chooses to commit the lesser criminal act to avoid the threatened greater criminal act. Duress is never a defense to an intentional homicide or the killing of an innocent third party.

Use of Force in Defense of Person and Others, Sections 776.012, 776.013, and 776.031, F.S.

A person may legally use force to defend against the use of force by another. Chapter 776 of the Florida Statutes defines ***justifiable use of force*** in Florida.

OBJECTIVES

LE760.5. Explain the no retreat law in accordance with Florida Statutes.

LE760.6. Identify when the Florida Statutes allows the use of force in the protection of person or property.

LE750.1. Differentiate between the types of legal defenses to criminal responsibility as provided in constitutional law and in the Florida Statutes.

LE750.2. Summarize the statute of limitations as provided in constitutional law and the Florida Statutes.

LE750.3. Explain consent when it is used as a legal defense to the criminal responsibility.

LE750.4. Explain exceptions to consent as provided in constitutional law and Florida Statutes.

Self-defense is a common legal term that describes the justifiable use of force that is necessary to protect oneself. This same legal term also describes the justifiable use of force necessary for the defense of others.

These two Florida statutes work in conjunction to allow all individuals to use reasonable and necessary force to defend themselves when faced with the imminent threat of unlawful force. The statutes allow an individual to use deadly force under two circumstances: if the individual has reason to believe that deadly force is necessary to prevent imminent death or great bodily harm to him- or herself or another or to prevent the commission of a **forcible felony** as defined in s. 776.08, F.S.

Forcible felonies include the following offenses: treason, murder, manslaughter, sexual battery, carjacking, home invasion robbery, robbery, burglary, arson, kidnapping, aggravated assault, aggravated battery, aggravated stalking, aircraft piracy, unlawful throwing, placing or discharging of a destructive device, or any other felony which involves the use or threat of physical force or violence against any individual.

Section 776.013, F.S., further explains that a person is presumed to be in imminent fear of death or great bodily harm when there is an unlawful and forceful entering of a dwelling or occupied vehicle. This statute, sometimes referred to as the **no retreat or stand your ground law**, also establishes that an individual has “no duty to retreat” when faced with imminent harm, “has the right to stand his or her ground,” and may “use or threaten to use force, including deadly force” in these situations. For example, a man armed with a gun breaks into John’s home. John shoots the man. Florida law justifies the action John took to protect himself and his family. In situations like this, state law authorizes individuals to commit acts that usually would lead to criminal liability, but only when their use of force is justified.

Defense of property is a common legal term describing a person’s authority to take reasonable steps, including the use of force (except deadly force) to the extent that a person reasonably believes is necessary to protect his or her possessions from trespass or theft or to stop these acts.

Entrapment occurs when a law enforcement officer uses undue persuasion or fraudulent means to induce a person to commit a crime he or she would not have otherwise committed. Entrapment can be used as a legal defense in these cases. In order to use the defense of entrapment, the defendant must admit that he or she committed the crime. Section 777.201, F.S., provides elements of entrapment.

Insanity is defined legally as any mental disorder so severe that it prevents a person from having legal capacity and excuses the person from criminal or civil responsibility. When using an insanity defense, the accused alleges that he or she suffered from a mental disorder at the time the crime was committed and that the disorder caused the commission of the crime.

In the state of Florida, courts follow the *M'Naughten rule*, which states

A person is not criminally responsible if, at the time of the alleged crime, the defendant, by reason of a mental disease or defect, (1) does not know of the nature or consequences of his or her act; or (2) is unable to distinguish right from wrong. *Wheeler v. State*, 344 So.2d 244 (Fla. 1977)

If the defense cannot show insanity at the time the crime occurred, it cannot use the insanity defense.

The legal defense of **mental incompetence** recognizes that a criminal defendant will be judged on his or her present ability to assist counsel by participating in the criminal defense. A person deemed

mentally incompetent at the time of trial cannot legally stand trial or testify. It is possible for a person to regain competence, at which time the person would be required to stand trial for the crimes charged.

The legal principle of the ***statute of limitations*** bars the state from prosecuting an individual after a certain period of time has elapsed since the criminal act occurred. Section 775.15, F.S., contains the general statute of limitations for criminal offenses. Prosecution may begin at any time after the commission of a capital offense, a life felony, or a felony that resulted in death. Prosecution must begin within four years after the commission of a felony of the first degree and within three years after the commission of any other felony. Prosecution must begin within two years after the commission of a misdemeanor of the first degree and within one year after the commission of a misdemeanor of the second degree or a noncriminal offense. Florida law also provides several exceptions to the statute of limitations. Most are provided in s. 775.15, F.S.

Consent is a possible excuse against civil or criminal liability. Defendants who use this defense argue they should not be held liable because the acts in question were committed with the victim's consent and permission. Generally, if there is consent, there is no crime.

An exception would be that a minor cannot consent to a sex act. An example of consent is when a person plays football, that person consents to battery by another player. However, if a fan in the stands throws a soda can at a player, that act is considered battery.

Victims who, because of age, mental illness, or intoxication, are not legally capable of reasonable judgment may not give consent.

SECTION VOCABULARY

alibi

defense of property

duress or coercion

entrapment

exculpatory evidence

forcible felony

insanity

justifiable use of force

mental incompetence

mistake or ignorance of fact

no retreat or stand your ground law

self-defense

statute of limitations

UNIT 3 | SUBSTANTIVE CRIMINAL LAW

LESSON 5 | Evidence Rules and Concepts

OBJECTIVES

- LE748.1.** Describe the Florida Evidence Code as provided in the Florida Statutes.
- LE748.2.** Differentiate between the various types of evidence provided in the Florida Evidence Code.
- LE748.3.** Explain the three main reasons why evidence is used in court.
- LE748.4.** Summarize the general rules for excluding evidence in court proceedings as provided in the Florida Evidence Code.
- LE748.5.** List the four specific requirements that law enforcement officers must be aware of to ensure admissibility of evidence.
- LE748.6.** Describe privileged communications as provided in the Florida Evidence Code.
- LE748.7.** Describe privileges with respect to the disclosure of information as provided in the Florida Evidence Code.

LESSON GOAL: At the end of this lesson, you will have a basic understanding of the rules and concepts of evidence.

Types of Evidence

The Florida Evidence Code, found in chapter 90 of the Florida Statutes, provides the basic concepts and rules of evidence that may be used in a criminal or civil proceeding. Evidence is anything that tends to prove or disprove the existence of a fact. There is a legal distinction between evidence and proof. **Evidence** is information that is allowed in court, while proof is the effect produced by that information.

There are two primary types of evidence: direct and indirect. **Direct evidence** is that which proves a fact without an inference or presumption and which, if true in itself, conclusively establishes that fact. Examples of direct evidence that someone was speeding would be the admission by the driver that he was speeding, speed measurement device results, and testimony from eyewitnesses to the speeding.

Circumstantial or **indirect evidence** requires an inference or presumption to establish a fact. An example of circumstantial evidence is eyewitness testimony that the defendant entered the victim's home around the time of the crime. It requires the judge or jury to infer from the evidence that the defendant committed the crime. Contrary to the speeches given by criminal defense lawyers on television, most criminal cases are often based primarily on circumstantial evidence.

Evidence presented in court can be placed into one of three primary categories: testimonial, documentary, or physical. **Testimonial evidence** is witness statements tending to prove or disprove facts about the case. It includes the testimonies of law enforcement officers, experts, and other witnesses.

Documentary evidence is anything written or printed which is offered to prove or disprove facts pertaining to the case. It includes bank records, medical records, or a certified copy of a subject's driving history.

Physical or **real evidence** refers to actual objects which may be offered to prove facts about a case. Examples include items such as drugs, a gun, clothing, or money. This evidence is crucial for the prosecutor because it gives the jury something to touch and take back to the jury room while they conduct deliberations.

The physical objects introduced as evidence can either be fruits of a crime, instrumentalities of a crime, or contraband. **Fruits of a crime** are the objects

obtained by the defendant as a result of committing the crime. An example is money stolen by a bank robber.

Instrumentalities are the items used by the defendant to commit the crime. The crowbar used by a burglar to gain entry into the building is an instrumentality of the crime. **Contraband** is anything that is illegal to possess. Illegal drugs are the most common example of contraband.

Evidence is offered in court for three basic reasons. First, evidence is offered to prove or disprove a crime. Most of the evidence seized by a law enforcement officer is used to prove that the defendant committed the crime. Fingerprints, photographs, physical evidence, and eyewitness testimony collected by law enforcement are typically offered to prove that the defendant committed the crime. The defendant may offer evidence, such as an alibi witness, in an attempt to disprove his or her responsibility for the crime.

Evidence is also offered in court to support or undermine other evidence. For example, a chemist may be called as an expert witness in a drug case to support the fact that the substance in question was actually an illegal drug.

Finally, evidence is offered in court to help determine an appropriate sentence. Florida law allows for enhanced sentencing of certain defendants based upon their criminal history. Documentary evidence in the form of certified prior convictions may be used to support the argument for an enhanced sentence.

Admissibility of Evidence

Once an officer understands why evidence is collected and introduced, he or she must understand the rules of admissibility. **Admissibility of evidence** refers to the legal requirements that must be met before a jury is allowed to see or hear about the evidence. The rules of evidence are in place for at least three primary reasons: to protect the defendant's constitutional rights, to protect jurors from being misled or confused, and to expedite the trial.

Sometimes evidence is excluded from trial. There are several reasons for excluding evidence. Evidence may be excluded because it was obtained in violation of the defendant's constitutional rights. The law provides rules that guide how law enforcement officers must act. The exclusionary rule is actually a rule of evidence that prohibits use of evidence obtained by law enforcement in violation of the rules. The reason for the rule is to reduce violations of the Constitution by law enforcement; for instance, there is no benefit to the case by conducting an illegal search if the jury will never hear about the evidence collected.

Some evidence is excluded to avoid undue prejudice against the defendant, such as his or her prior criminal history. This rule exists so a jury does not convict the defendant because of his or her past crimes. A legal conviction must be based on evidence that the defendant committed the crime charged. Evidence may also be excluded to prohibit jury consideration of unreliable evidence. The reliability of evidence is critical to its admissibility. The laws of evidence ensure reliability by allowing only experts to give opinions, excluding hearsay evidence, and requiring officers to follow certain rules with respect to the collection and preservation of evidence.

Hearsay is a statement other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted. **Excited utterances** are unplanned, spontaneous statements that occur during or after a shocking event, or having suffered an injury, and may be relied upon for truthfulness. Hearsay testimony is excluded if its reliability cannot be tested by cross-examination. However, there are more than 20 exceptions to the hearsay rule. Some of the more common hearsay examples

SECTION VOCABULARY*admissibility of evidence**circumstantial or indirect evidence**contraband**direct evidence**documentary evidence**evidence**excited utterances**fruits of a crime**bearsay**instrumentalities**physical or real evidence**testimonial evidence*

include spontaneous statements, s. 90.803(1), F.S.; excited utterances, s. 90.803(2), F.S.; and statements against interest, s. 90.804(2)(c), F.S. The court determines the admissibility of each of these types of statements.

The admissibility of evidence also depends upon the manner in which the officer collected and preserved the evidence. There are four specific requirements that ensure admissibility. The evidence must be relevant to the case, obtained legally, and preserved properly. The chain of custody must also be preserved.

The Florida Evidence Code recognizes that the need to protect communications within certain relationships is more important than the admissibility of evidence obtained from those communications. The privileged communications protected under ss. 90.501–90.510, F.S. include the following:

- lawyer–client
- journalist–source
- husband–wife
- psychotherapist–patient
- accountant–client
- clergy–penitent
- sexual assault counselor–victim
- domestic violence advocate–victim

Note: Each of these privileges may be waived by voluntary disclosure in accordance with s. 90.507, F.S.

Florida law also recognizes privileges with respect to the disclosure of certain information:

- Automobile crashes: s. 316.066(4), F.S.
- Trade secrets: s. 90.506, F.S.
- Reports of child abuse or neglect: s. 39.202, F.S.

UNIT 4 | CIVIL AND CRIMINAL LIABILITY

LESSON 1 | Civil and Criminal Liability

LESSON GOAL: At the end of this lesson, you will have a basic understanding of the liability that may result from the performance of your duties and how to reduce potential exposure to lawsuits.

Types of Liability

A career as a law enforcement officer is exciting and full of challenges. It provides opportunities to make a difference in people's lives. However, liability issues are inherent in the job. These issues arise when an officer improperly performs a job task or does not perform a job task that he or she reasonably should have performed. If an officer does not fully understand and limit situations that give rise to liability, the potential for harm to both the employing agency and the officer is great. Officers can suffer severe consequences including job loss, assessment of devastating monetary awards, or even a prison sentence if found liable of criminal wrongdoing.

The most recognized types of liability are criminal and civil. They are not mutually exclusive; an officer can be prosecuted criminally and civilly for the same act. For example, an officer can be tried for murder (criminal liability) and sued by the decedent's family for wrongful death (civil liability). In such cases, criminal charges are addressed first. Acquittal in a criminal case does not necessarily preclude civil liability, as the O.J. Simpson case demonstrated.

O.J. Simpson was acquitted of the murder of his ex-wife, Nicole Brown Simpson, and her friend Ronald Goldman. However, he was held liable in a civil case for wrongful death.

Criminal liability occurs when an officer is found guilty of committing a crime and is sentenced to incarceration or other penalties. **Civil liability** is responsibility for a wrongful act or an omission that injures a person or property and most often involves negligence. Penalties for civil liability are normally payment of money damages to the victim or the victim's heirs.

Torts

A **tort** is a civil wrong in which the action or inaction of a person or entity violates the rights of another person or entity. Torts may be intentional, such as battery or false imprisonment, or unintentional, such as negligence. The difference is intent. Very seldom does a person deliberately crash his or her vehicle into another person's vehicle; usually it is an accident. If the at-fault driver was speeding or looking at a cell phone rather than the road, the driver could be sued for the unintentional tort of negligence.

OBJECTIVES

- LE746.1.** Distinguish criminal from civil liability in relation to a law enforcement officer's performance.
- LE746.2.** Explain how a tort may impact liability for an individual or an agency.
- LE746.3.** Explain negligence as it applies to the performance of a law enforcement officer's duties.
- LE746.4.** Explain punitive and compensatory damages for the legal offense of negligence.
- LE746.5.** Explain the importance of a law enforcement officer acting under the color of law.
- LE746.6.** Describe the differences between criminal and civil violations of federal civil rights.
- LE746.7.** Differentiate between direct and vicarious liability as it applies to a law enforcement agency.
- LE746.8.** Give examples of the most common types of acts that lead to civil liability for a law enforcement officer.
- LE746.9.** Explain acting within the scope of employment as addressed in chapter 111 of the Florida Statutes.
- LE746.10.** Explain the emergency doctrine as provided in the Florida Statutes.
- LE746.11.** Describe the ways a law enforcement officer can protect against liability to self and agency.

Battery is a deliberate act, so it is an intentional tort. Causing someone's death, called wrongful death in tort law, may result from a deliberate act such as shooting a gun into the air during a New Year's celebration. It may also result from an unintentional accident such as driving carelessly. Liability may result from either one.

Many crimes can also be torts when a case is brought in civil court. Some examples of crimes and their corresponding intentional torts under Florida law are as follows:

CRIME	TORT
Battery	Battery
Theft	Conversion
False Imprisonment	False Arrest
Homicide	Wrongful Death

Crimes vs. torts

Figure 2-3

Negligence

A common definition of **negligence** is failure to use due or reasonable care in a situation that results in harm to another. For example, an officer is looking at the screen on her in-car computer while driving her patrol car. She doesn't see the traffic has stopped and rear-ends the car in front of her. Since the officer breached her duty to act with reasonable care, she and/or her agency could be held liable for the damages caused by the crash.

Another example of negligence would be an off-duty officer who leaves his loaded weapon on the kitchen counter in reach of his 10-year old son. The son takes his father's weapon to show a neighborhood friend and accidentally fires the pistol, killing the friend. The officer could be held liable for the accidental death of the child because of his negligence.

Elements of Negligence

To convict a defendant of a crime, the state must prove in criminal court that he or she committed all elements of a particular offense. In a civil negligence action, the plaintiff must prove a different set of elements to find the defendant negligent. The elements of negligence are (1) a duty to act with care, (2) breach of the duty to act, (3) causation or proximate cause, and (4) damages.

A duty is usually created by statute or contract. Duties may be general or specific. For instance, everyone who drives a vehicle in the state of Florida has a general duty to do so using reasonable care. An officer who is hired to direct traffic at an intersection has a specific duty to the people relying on that officer as they pass through the intersection.

The second element of negligence is a ***breach of duty***. A breach is a failure of some kind. The term breach of duty means that the defendant unreasonably failed in the duty he or she was obligated to perform. A breach of duty is generally proved by evidence that the defendant violated a law or accepted practices, such as a departmental policy or rule. A duty may be breached by not taking action when a reasonable officer should have taken action. For example, if an officer decides to wait for EMS instead of performing CPR on an injured person who is not breathing, and the person dies or suffers brain damage from lack of oxygen, the officer is liable for those consequences because the officer breached the duty of care.

The third element of negligence is proximate cause, which means that the breach caused the harm. ***Proximate cause*** is the legal phrase for the link between the breach of duty and the harm caused (damages). In deciding proximate cause, the judge and jury will have to determine if the harmful event was a foreseeable outcome of the defendant's act or failure to act.

The final element of negligence is damages. There are two main categories of damages: compensatory and punitive. All four elements must be proven in a negligence action to recover damages. If any of the four elements is missing, the defendant cannot be found negligent.

Compensatory Damages

Compensatory damages are designed to compensate for the actual property damage, harm, or injury that the plaintiff suffers. Compensatory damages may include general, special, or nominal damages. General damages are those presumed to result from the defendant's actions. They include awards for pain and suffering, discomfort, humiliation, fright, and emotional distress. Special damages are those actually caused by the injury. They are available to the plaintiff for lost earnings, medical expenses, destruction of personal property, and attorney's fees. Nominal damages are damages in name only; they are awarded when the jury believes the plaintiff's rights were violated, but there is insufficient proof of measurable financial harm.

Punitive Damages

Punitive damages are damages awarded in addition to actual damages when the defendant acted with recklessness, malice, or deceit. They are intended to punish the defendant for his or her act and to warn others from doing the same act. Punitive damages can be very high.

Civil Rights

A ***civil rights violation*** is an unlawful interference with the fundamental rights of another person, such as the rights to due process and equal protection under the law. Officers' use of force is often the basis for civil rights lawsuits. Law enforcement officers who violate someone's civil rights may be subject to civil liability and even criminal prosecution.

Criminal Violations of Civil Rights

Being a law enforcement officer does not give a person the right to commit acts that violate the law. Violating the law results in criminal liability. For example, if you commit an act that violates state or local law, the State Attorney may bring charges against you. If you commit an act that violates federal law, the U.S. Attorney's Office may file criminal charges.

18 U.S.C. Section 242 prohibits anyone acting under color of law from intentionally depriving another person of a constitutional or other civil right.

Penalties for doing so range from imprisonment for one year to life and may even include the death penalty, depending upon the circumstances of the crime and the resulting injury.

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

When an officer acts or purports to act in the performance of official duties under any law, ordinance, or regulation, he or she is acting under *color of law*. An officer's illegal act that causes injury or other serious consequences to a person may result in an FBI investigation to determine if the officer violated federal law. For example, a suspect's death due to a police beating will result in a federal investigation, whether or not the local law enforcement agency or State Attorney's Office fully investigates the incident.

The Fifth Amendment's double jeopardy bar does not prohibit criminal prosecution for civil rights violations even after acquittal of state criminal charges because the state and federal governments are two separate and distinct sovereigns. Each government operates its own criminal court system under its own set of laws. For example, an officer charged with aggravated battery for beating a suspect who resisted arrest may be acquitted of all state charges. After the acquittal, the federal government may indict the officer for criminal civil rights violations for the same incident. A state crime and a federal civil rights violation are different offenses even though they may arise from the same facts.

Civil Violations of Federal Civil Rights

In addition to criminal prosecution, an officer who violates an individual's civil rights may be subject to civil liability in federal court. 42 U.S.C. s. 1983 is the most common federal statutory basis used to sue law enforcement officers. The provisions of an action for civil rights violations are similar to the criminal provisions contained in 18 U.S.C. s. 242. Before imposing liability, both sections require proof that the officer acted under the authority of his or her agency and intentionally violated a clearly established constitutional or civil right of the victim. Negligence does not give rise to an s. 1983 action under federal law. Officers who violate the civil rights of others may also be subject to discipline by the Criminal Justice Standards and Training Commission and their employing agency.

Effects of Liability on Officers

Being found criminally or civilly liable for actions taken while doing law enforcement work can result in consequences to an officer that range from minor to catastrophic. It can cost an officer his or her freedom and result in financial ruin. Although it may result in nothing more than a reprimand or brief suspension from work, a criminal conviction can lead to loss of employment and decertification as an officer. Financial ruin can result if the court orders an officer to pay punitive damages. Under state law, the officer's employing agency cannot pay the punitive damages; they must be paid by the individual officer.

Agency Liability

In a civil suit, the officer may not be the only defendant. Most suits also name the employing agency, its chief or sheriff, or other governmental officials because in most cases, the officer acted within the scope and course of his or her authority. A plaintiff may sue the employing agency because it normally has more money than the individual officer. If the plaintiff proves at trial that the officer committed a tort or violated civil rights as part of his or her duties, the employing agency is likely to be liable for damages through direct or vicarious liability.

Direct liability arises in cases in which the officer committed an intentional or a negligent tort in violation of the employing agency's orders or policies. An example is an officer's illegal use of force in arresting a suspect. The agency's liability is based on action it took or failed to take regarding the officer's alleged policy violation. Direct liability may result from negligent hiring of a problem employee, negligent assignment of duties to a person who is not able to perform them, negligent retention of a problem employee, or failure to adequately train an employee.

Vicarious liability occurs when one person or entity is held liable for the negligent actions of another person even though the first person or entity was not directly responsible for the injury. In law enforcement, an officer's agency is often vicariously liable for damages caused by the officer's actions. For example, an agency may be required to pay damages if an officer is found guilty of sexual harassment even though the agency did not know of the harassment when it occurred. If it is shown that neither the employing agency nor the supervisor is responsible for an employee's improper act, then neither vicarious nor direct liability applies to the agency.

Acts That Lead to Civil Liability

The most common types of civil liability are related to arrests, searches, use of force, administration of first aid, and operation of vehicles. The same unlawful acts that result in civil liability may also subject the officer to criminal charges.

An unlawful arrest occurs when an officer takes someone into custody without probable cause. Unlawful arrest is an intentional tort. If an officer makes an arrest without probable cause, he or she may be liable for false imprisonment of the arrestee or for violating the arrestee's civil rights.

An unlawful search is a search or seizure performed without probable cause or reasonable suspicion. This sometimes happens inadvertently, for example, when a suspect is arrested on an outstanding warrant that is no longer valid. This can happen when the warrant has been served on the defendant but not cleared or removed from the computer system.

This civil violation is based on an unlawful seizure of the person because the arrest was not supported by probable cause. Because the officer acted under the color of law, the suspect can file a federal civil rights lawsuit under Title 42, s. 1983, U.S. Code. This emphasizes the importance of confirming the validity of a warrant before making an arrest.

An officer's excessive use of force against a suspect can lead to civil and criminal liability. An officer may only use the amount of force that is reasonable and necessary under the circumstances.

Negligently driving a vehicle and causing damage to another vehicle or property will likely lead to civil liability. If an officer's negligent actions amount to recklessness, the officer may also be subject to criminal charges like vehicular homicide under s. 782.071, F.S.

An officer who fails to provide appropriate first aid to someone who needs immediate medical assistance may face civil liability. The term **omission** means neglecting to perform what the law or duty requires. Officers may be liable not only for performing required actions improperly but also for failing to perform actions required of them.

Protecting Officers Against Liability

There are federal and state laws that protect officers against civil and criminal liability and provide legal defenses, including sovereign immunity, chapter 111 of the Florida Statutes, qualified immunity, good faith, reasonable manner, justified acts, and emergency doctrine.

Sovereign Immunity

Sovereign immunity is derived from the common law idea that the king and his agents can do no wrong. The concept has been applied to state and local government agencies, including law enforcement. The sovereign immunity law—s. 768.28, F.S.—is a limited waiver of this immunity.

The sovereign immunity law provides one of the most important protections for governmental employees and law enforcement agencies. It includes a list of circumstances and requirements that must be met before the state, a county, a municipality, or a law enforcement agency or any of its employees can be sued in a state tort action. It also protects individual officers and government employees from personal liability and from being named as a defendant in a state civil lawsuit. This means that unless an officer or employee acts or fails to act with willful or wanton disregard of someone's rights or property, the officer or employee must be dismissed from a state civil tort action.

Because the sovereign immunity law covers only state tort actions, it does not protect officers and employees named in federal civil rights actions. However, before a plaintiff can prevail in such a case, he or she must show more than mere negligence on the part of the officer or employee.

Chapter 111, Florida Statutes

Chapter 111, F.S., protects employees, including officers, charged with civil and criminal actions, provided those actions occurred within the scope and course of the employees' employment.

Acting within the scope of employment refers to the range of reasonable and foreseeable activities that an employee does while carrying out the employer's business. If an employee acts outside the scope of employment, the employee may be held individually liable.

In order to ensure that their actions are within the scope and course of their employment, officers should avoid willfully or wantonly infringing on others' rights. Chapter 111 contains the following provisions:

- The employing agency may, but is not required to, reimburse legal costs for its employees who have been sued or charged with a crime.
- The employing agency may provide legal counsel for its employees who are sued in either state tort actions or federal noncriminal civil rights actions.

Note: An employing agency may opt not to defend an employee in a civil case, even if the action arose from within the scope of employment. However, if the employee prevails, the agency must reimburse court costs and reasonable attorney's fees. The employing agency may pay any final judgment, including damages, costs,

and attorney's fees, arising from a complaint for damages or injury that resulted from any act or omission of the employee in a civil or civil rights lawsuit.

If the action is for an alleged civil rights violation under 42 U.S.C. s. 1983 or a similar federal statute, payments for the full amount of the judgment may be made by the employing agency unless the final judgment states that the officer intentionally caused harm. This section also allows the employing agency to pay any pretrial settlement of any claim or litigation.

Qualified Immunity

The defense of **qualified immunity** protects "government officials...from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known." See *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982). Qualified immunity protects public officials from being sued for damages, unless they violated a "clearly established" law of which a reasonable official in his or her position would have known. Qualified immunity protects civil servants from the fear of litigation in performing the discretionary functions of law.

For example: a police officer decides to issue a notice to appear (NTA) rather than make a physical arrest for a battery which occurred during a bar fight. The person issued the NTA then returns to the bar and physically attacks the bar owner. The officer would not be liable for not making the physical arrest because the act of issuing a NTA is discretionary.

Acts Done in Good Faith

To act in good faith, officers must be faithful to their duty and honestly intend to avoid taking undue advantage of others. Acts done in good faith are without malice, ill will, or the intent to unjustly harm anyone.

Acts Done in a Reasonable Manner

Officers must act in a reasonable manner when responding to any law enforcement situation. Reasonableness involves acting professionally within the law and agency policies and procedures.

It can range from having a reasonable belief that a person has committed an offense and arresting the person for that crime, to determining what type of first aid to perform, to knowing what level of force is needed in a given situation. Reasonableness is judged objectively by asking if a reasonable officer in the same situation would have acted the same way.

Acts Justified Under the Law

Some seemingly offensive police actions can be justified under the law. This occurs in situations where case law or statutory law provides a defense for an officer's actions. For example, chapter 776, Florida Statutes, provides that an officer may use deadly force in self-defense or defense of another from a threat of death or serious physical injury. Other Florida laws permit officers to commit what would otherwise be illegal acts such as carrying concealed firearms, chapter 790; use of force in riots, chapter 870; and possession of controlled substances during a criminal investigation, chapter 893.

SECTION VOCABULARY

acting within the scope of employment

breach of duty

civil liability

civil rights violation

color of law

compensatory damages

criminal liability

direct liability

emergency doctrine

negligence

omission

proximate cause

punitive damages

qualified immunity

sovereign immunity

tort

vicarious liability

Emergency Doctrine

When sudden peril requires instinctive action, an officer is not required to use the same degree of care as when there is time to reflect. This is known as the ***emergency doctrine***. Of course, an officer is still required to use due care. Reckless disregard of others does not qualify as an appropriate response.

Limiting Liability

Law enforcement agencies enact policies and procedures to help guide their sworn officers in performing their duties. These policies are carefully developed to ensure they comply with legal and ethical guidelines. Agency policies and procedures are developed and published for the officer's benefit. By following such policies, officers may avoid liability for acts done while on duty.

Attending required and optional training also helps officers stay informed of current law and police practices. Awareness of changes in legal and practice guidelines also helps officers avoid liability.

UNIT 5 | RESPONSE TO CIVIL ISSUES

LESSON 1 | Response to Civil Issues

LESSON GOAL: At the end of this lesson, you will understand the differences between criminal and civil incidents and be aware of the response options available in civil matters.

Landlord and Tenant Disputes

Law enforcement officers are sometimes called to disturbances arising from landlord and tenant disputes. It is important that officers faced with these situations have a general knowledge of what action, if any, they can take. The Florida Residential Landlord and Tenant Act, ss. 83.40–83.682, F.S., governs most of the traditionally recognized rental arrangements for dwellings, such as those for apartments, town homes, duplexes, single-family housing units, and mobile home parks.

In tenancy situations covered by the law, the only way a landlord can legally recover possession of the leased residence without the consent of the tenant is to file an eviction proceeding in the county court where the residence is located, pursuant to s. 83.59, F.S.

If the landlord is successful, a writ of possession will be issued by the court to the sheriff, who is then authorized to evict the tenant and put the landlord in possession of the residence after a prescribed notice period. See s. 83.62, F.S. Officers should be aware that until legally evicted, a tenant has a right to enter the residence, and a landlord may not prevent entry by changing the locks. See s. 83.67(2), F.S.

Law enforcement officers may physically evict a tenant only pursuant to a writ of possession. Any action without a writ that causes the removal of a tenant, whether physically removing the tenant's belongings from the residence or suggesting to the tenant that failure to leave may result in arrest, is likely to be considered a wrongful eviction.

There are three types of residential rental facilities where the Residential Landlord Tenant Act does not apply: public lodging establishments such as hotels and motels, s. 509.141, F.S.; medical, geriatric, educational, counseling, religious, or similar residency facilities, s. 83.42(1), F.S.; and recreational vehicle parks, s. 513.01, F.S.

Repossession of Property

When a creditor sells or leases property to a borrower, the creditor may obtain a security interest or lien against the property in the form of a contract or security agreement. The property is the collateral on the contract. If the borrower fails to fulfill the contract as agreed (called a default), the creditor is entitled to take possession of the collateral. See s. 679.609(1), F.S.

OBJECTIVES

LE744.1. Describe the legal actions a law enforcement officer may take to respond safely to a landlord-tenant dispute.

LE744.2. Identify the exceptions to the Florida Residential Landlord and Tenant Act as given in the Florida Statutes.

LE744.3. Define a writ of replevin as provided in the Florida Statutes.

LE744.4. Explain how a law enforcement officer legally and safely responds to a repossession of property dispute.

LE744.5. Report how a law enforcement officer legally responds to a dispute regarding the removal or towing of vehicles or vessels from private or public property.

LE744.6. State how a law enforcement officer legally responds to motor vehicle repair disputes.

LE744.7. Differentiate between the various types of court orders regarding child custody as provided in the Florida Statutes.

LE744.8. Explain how a law enforcement officer legally responds to conflicting child custody orders from different states.

LE744.9. Explain domestic violence injunctions as provided in the Florida Statutes.

LE744.10. Describe how a law enforcement officer legally responds to real property boundary disputes.

LE744.11. Explain how a law enforcement officer legally manages a dispute regarding stolen property in the custody of a pawnbroker.

When the creditor is entitled to possession of collateral after default, the creditor may go to court and obtain an order entitling the creditor to possession. This order is called a **writ of replevin**. Florida law permits a creditor to take possession of the collateral after default without a court order, if that can be done without breach of the peace. See s. 679.609(2), F.S. This is called **self-help repossession**.

When an officer responds to a call involving self-help repossession of property, the officer's role is to keep the peace. The officer may not give legal advice to either the borrower or the person or company reposessing the property.

Property subject to repossession may include a motor vehicle, mobile home, motorboat, aircraft, personal watercraft, all-terrain vehicle, farm equipment, industrial equipment, or any other property subject to a security interest or agricultural lien. See s. 493.6101(22), F.S. and ss. 679.609, and 679.1021(1), F.S. The most common type of property repossession is that of motor vehicles.

Recovery is usually assisted by a paid contractor hired by the creditor, although a creditor may recover the property directly. The contractor is known as a recovery agent and must possess a Recovery Agent Class E or a Recovery Agent Intern Class EE license issued by the Florida Department of Agriculture and Consumer Services. A recovery agent is prohibited from carrying a firearm while on private property and in the course of repossession activities, even if the recovery agent possesses a license authorizing him or her to carry a firearm. See s. 493.6118(1)(x)9, F.S.

The recovery agent must notify the law enforcement agency having jurisdiction over the area where the vehicle is located within two hours after the repossession is completed. See s. 493.6118, F.S.

A recovery agent may not enter the borrower's home or business without permission. However, a recovery agent can recover a vehicle from a driveway or a public street, provided no one makes an objection. If anyone objects prior to or during a recovery in progress, then the recovery agent must leave the premises without the collateral. The recovery agent is free to attempt the recovery later, if it can be accomplished without a breach of the peace. During a recovery in progress, a recovery agent may not exert undue pressure on the borrower, such as the threat of force. Recovery agents also may not wear, present, or display a badge in the course of performing a recovery. See s. 493.6118(1)(x)11, F.S.

When there is an objection to the recovery of the property, the property owner may obtain a writ of replevin to recover property that is in the wrongful possession of another. The court order, which can only be served by the sheriff or a deputy sheriff, carries with it the authority to enter the premises by force, if necessary, to make the recovery. In the absence of a writ of replevin, any breach of the peace stops a legal recovery by a recovery agent or the creditor.

When responding to a dispute or confrontation about a recovery, officers may have to determine whether the recovery agent has already completed the recovery. For example, if the vehicle has already been attached to the tow truck and is ready for transport or the recovery agent is behind the steering wheel of the vehicle ready to drive away, the recovery is complete, and the recovery agent should be permitted to leave. However, if there is a dispute or confrontation regarding recovering a vehicle, this constitutes a breach of the peace, and the recovery agent cannot lawfully take the vehicle. The tow truck used by a recovery agent must have license numbers displayed on both sides in lettering not less than four inches high in a contrasting color to the background.

Removal of Motor Vehicles from Private Property

Usually, law enforcement agencies have no jurisdiction concerning unwanted vehicles on private property. In such a situation, the complainant may call a tow truck, but the officer has no authority or jurisdiction to do so. A person towing or removing a vehicle from the private property or a parking lot must surrender the vehicle when the owner offers payment of a reasonable service fee of not more than one-half the posted rate of the towing removal cost. The person or firm towing or removing the vehicle shall notify the appropriate law enforcement agency within 30 minutes after completion of such towing or removal. Noncompliance with statutory requirements and limitations could result in administrative and criminal penalties. See s. 715.07, F.S.

Retrieving Vehicles from Tow Yards

Officers may be called to a tow yard after a vehicle has been towed from private property. Disputes often arise when the owner of the vehicle has trouble getting the vehicle returned from the towing company. This situation is usually civil in nature and requires no police action. Sometimes, however, the vehicle owner claims that the vehicle was towed illegally or improperly, resulting in damage to the vehicle. If such a claim is made, officers need to refer to s. 715.07, F.S. If the vehicle was not towed properly, administrative and criminal penalties may apply.

Motor Vehicle Repair Disputes

Officers are sometimes dispatched to disturbances at automobile repair shops regarding disputes over repair costs. Section 559.917, F.S., permits the vehicle owner who refuses to pay the repair bill to take possession of the vehicle after posting a bond with the court clerk. After a bond is posted in the amount of the repair invoice, including storage fees, the clerk will issue a certificate directing the repair shop to release the vehicle to the owner. The repair shop's refusal to release the vehicle once the certificate is issued is a misdemeanor under s. 559.917(3), F.S. If the vehicle owner refuses to pay the repair cost and removes the vehicle from the repair shop without posting a bond, then the vehicle owner should be investigated for theft under s. 812.014, F.S.

Child Custody Disputes

An officer must consider several factors before taking law enforcement action in a child custody dispute. The mother of a child born out of wedlock is the natural guardian of the child and is entitled to primary residential care and custody of the child, unless a court order states otherwise, even if the father is known and acknowledges paternity.

When officers are called to a complaint regarding failure to return a child to the other parent at the designated time, officers should refer to their agency's policies and procedures for the appropriate action.

No Court Ordered Custody for Married or Unmarried Parents

Officers may be called to the scene where one parent is alleging that the other parent is attempting to conceal the child from him or her or flee the jurisdiction with the child. Even without a court order determining custody, s. 787.03, F.S., makes such an action a third-degree felony.

If there is no court order determining custody and one parent attempts to leave with the child but is not fleeing the jurisdiction, the responding officer should talk to the parties and attempt to resolve the dispute. Generally, that will be done by allowing the parent who has the child upon the officer's arrival to keep the child. Officers should encourage both parents to seek legal counsel and a court hearing to clarify visitation.

Note: s. 787.03, F.S., does not apply to a parent who is the victim of any act of domestic violence, believes that he or she is about to become a victim of an act of domestic violence, or believes that his or her action was necessary to preserve the child from danger to his or her welfare and seeks shelter from these acts or their possibilities.

Court Ordered Custody/Married or Unmarried Parents

If one of the parents has been awarded custody by a court order, and the other parent is attempting to conceal the child from the custodial parent or flee the jurisdiction with the child, such concealing or removal contrary to the court order is a felony of the third degree pursuant to s. 787.04, F.S.

Child Custody Court Orders from Other States

An officer may not enforce a court order issued by another state or jurisdiction unless the court order has been domesticated and a break order has been issued by a court within the officer's jurisdiction. A domesticated order is evidenced by a signature of a judge in the local county.

Conflicting Child Custody Court Orders from Different States

If one parent has a court order from one state and the other parent has a conflicting order issued from a local Florida court, the responding officer should refer both parents to the local family law court.

Domestic Violence Injunctions

The violation of a custody arrangement contained in a domestic violence injunction will generally remain a civil matter unless one of the provisions in s. 741.31, F.S., is violated. If the officer determines that the circumstances of the custody dispute are civil in nature, the officer should document the incident on the appropriate report and refer the parties to the local family law court in accordance with agency policies and procedures.

Real Property Boundaries Disputes

Property disputes between neighbors are usually civil in nature. Officers should advise the parties to seek the appropriate remedies in civil court.

Stolen Property in the Custody of Pawnbroker

Stolen property is often sold to pawnbrokers. The law provides the following from s. 539.001(16), F.S.:

When an appropriate law enforcement official has probable cause to believe that property in the possession of a pawnbroker is misappropriated, the official may place a written hold order on the property. The written hold order shall impose a holding period not to exceed 90 days unless extended by court order. The appropriate law enforcement official may rescind, in writing, any hold order. An appropriate law enforcement official may place only one hold order on property.

While a hold order is in effect, the pawnbroker must upon request release the property subject to the hold order to the custody of the appropriate law enforcement official for use in a criminal investigation. The release of the property to the custody of the appropriate law enforcement official is not considered a waiver or release of the pawnbroker's property rights or interest in the property. Upon completion of the criminal proceeding, the property must be returned to the pawnbroker unless the court orders other disposition. When the additional disposition is ordered, the court shall additionally order the conveying customer to pay restitution to the pawnbroker in the amount received by the conveying customer for the property, together with reasonable attorney's fees and costs.

For a claimant's procedure for recovery, see s. 539.001(15), F.S.

SECTION VOCABULARY

self-help repossession

writ of replevin

UNIT 6 | JUVENILE LAW

LESSON 1 | Juvenile Law

OBJECTIVES

- LE756.1.** Define *child*, *juvenile*, or *youth* as provided in the Florida Statutes.
- LE756.2.** Explain the statutory restrictions regarding the transport and protective custody of a juvenile.
- LE756.3.** Describe the correct and legal procedure for taking a juvenile into custody.
- LE756.4.** Identify the statutory procedures for handling juvenile traffic offenders.
- LE756.5.** Define an alleged juvenile sex offender as provided in the Florida Statutes.
- LE752.13.** Explain the case law ruling regarding juvenile interrogations or questioning.
- LE756.6.** Describe the statutory procedures that a law enforcement officer is required to follow when interrogating a juvenile.
- LE756.7.** Identify the statutory limitations regarding searches of a juvenile's personal property on school property.

LESSON GOAL: At the end of this lesson, you will understand the application of Florida law to situations involving juveniles.

Children, Juveniles, and Youths

Section 985.03(6), F.S., defines *child*, *juvenile*, or *youth* as follows:

"Child" or "juvenile" or "youth" means any unmarried person under the age of 18 who has not been emancipated by order of the court and who has been found or alleged to be dependent, in need of services, or from a family in need of services; or any married or unmarried person who is charged with a violation of law occurring prior to the time that person reached the age of 18 years.

While the procedures for handling juveniles may be different, the crimes with which they are charged are the same as if committed by an adult. Children who commit crimes are considered to be delinquent. The purpose of the juvenile system is rehabilitation rather than punishment.

Procedures for Taking a Juvenile into Custody

A law enforcement officer may take a child into custody pursuant to a court order or upon probable cause that the child committed a law violation. An officer has the authority to take a child into custody under the same circumstances and in the same manner as if the child were an adult. An officer is required to make a good faith effort to notify the parent, guardian, or legal custodian when the child is taken into custody as per s. 985.101(3), F.S. Upon arrival at the receiving facility, the officer must contact a representative of the Department of Juvenile Justice (DJJ) who will conduct an assessment to determine whether or not the child will be detained.

If the DJJ representative determines that the child is to be detained, the arresting officer will transport the child to the appropriate juvenile detention facility. If it is determined that the child is not to be detained, the child may be released to a parent, guardian, legal custodian, or any responsible adult.

If the child's life or health is in such danger that he or she must be removed from his or her surroundings, the officer may take the child into protective custody. Likewise, if an officer reasonably believes a child has been abandoned, abused, or neglected, the officer may take that child into custody. In such situations, the child will normally be alleged to be dependent rather than delinquent. The officer should contact the Department of Children and Families at 800-96-ABUSE for immediate assistance.

Florida Statute s. 985.03(23) provides the following:

“Family in need of services” means a family that has a child for whom there is no pending investigation into an allegation of abuse, neglect, or abandonment or no current supervision by the department or “... the Department of Children and Families...” for an adjudication of dependency or delinquency. The child must also have been referred to a law enforcement agency or the department for:

- (a) Running away from parents or legal custodians;
- (b) Persistently disobeying reasonable and lawful demands of parents or legal custodians, and being beyond their control; or
- (c) Habitual truancy from school.

Officers have no arrest authority for a child who is a runaway or a truant from school. However, if an officer believes a child is truant from school, the officer can pick the child up and deliver him or her back to the school system. If an officer believes a child is a runaway, the officer should take the child into protective custody and contact the parent or legal guardian of the child. If the parent or guardian is not available, the officer should contact the Department of Children and Families. This protective custody is not a criminal arrest.

A child is not to be placed in any vehicle with an arrested adult unless the adult is involved in the same offense or transaction, s. 985.101(2), F.S.

A copy of the arrest report of any child 15 years of age or younger who is taken into custody for committing a delinquent act or any violation of law should be forwarded to the local operating circuit district office of the Department of Juvenile Justice. See s. 985.61(3), F.S. If a juvenile is arrested for a felony or a violent crime, s. 985.101(1)(b), F.S. requires the agency to notify the local school district.

Juvenile Traffic Offenders

A juvenile traffic offender is a child who violates a provision of chapter 316 of the Florida Statutes or a local ordinance that supplements that chapter. The traffic court must transfer a juvenile charged with any felony traffic offense to the Juvenile Division of Circuit Court. In nonfelony cases, the traffic summons procedure should be followed if there are no serious circumstances involved.

Juvenile Sex Offenders

According to s. 39.01(7), F.S., an alleged *juvenile sex offender* is a child 12 years of age or younger who is alleged to have committed a sexual battery as defined in chapter 794 of the Florida Statutes, an act of prostitution in violation of chapter 796, a lewd and lascivious act in violation of chapter 800, an act of sexual performance by a child in violation of s. 827.071, F.S., or an act of obscenity in violation of s. 847.0133, F.S. An alleged juvenile sex offender may also be a child under the age of 18 who is alleged to have committed any violation of the law or delinquent act involving juvenile sexual abuse.

Section 39.01(7), F.S. provides the following:

Juvenile sexual offender behavior ranges from noncontact sexual behavior such as making obscene phone calls, exhibitionism, voyeurism, and the showing or taking of lewd photographs, to varying degrees of direct sexual contact, such as frottage, fondling, digital penetration, rape, fellatio, sodomy, and various other sexually aggressive acts.

SECTION VOCABULARY

child, juvenile, or youth

juvenile sex offender

Juvenile Custodial Interrogation Procedures

The standards for questioning a juvenile are the same as for adults. There is no statutory requirement for the parent's or guardian's consent before an officer may interrogate the child; however, officers should comply with department policy.

Officers should be aware that *Miranda* applies to juveniles and a waiver of those rights will be more closely scrutinized by the court. See *B.M.B. v. State*, 927 So.2d 219 (Fla. 2nd DCA 2006), *Lee v. State*, 985 So.2d 1210 (Fla. 1st DCA 2008), and *State v. Roman*, 983 So.2d 731 (Fla. 3rd DCA 2008). Factors to be considered in determining a juvenile's understanding of his or her rights and the significance of waiving those rights include his or her age, marital status, education, intellectual level, and experience in the criminal justice system. See *J.D.B. v. North Carolina*, 564 U.S. ____ (2011). Individual agency policies may be more restrictive regarding juvenile custodial interrogation procedures.

In order to ensure that the situation was clearly and accurately described to the juvenile, officers should document exactly what they say to a juvenile to indicate to him or her whether he or she is under arrest or not under arrest. Officers would be wise also to document what the area layout is when they speak to the juvenile, the number of people present, where they stood in the area, and whether any doors/gates/entry ways were open or closed at the time they discussed arrest with the subject juvenile.

Juvenile custodial interrogations may only last a reasonable length of time. Officers should consider and make adequate notes of the length of time the child is held before a custodial interrogation, any reasons for delay, and the number of breaks and rest periods given to the child.

Juvenile School Searches

The laws related to search and seizure apply to juveniles just as they do to adults. A school official that has reasonable suspicion that a prohibited or illegally possessed substance or object is contained within a student's locker or other storage area, may search the locker or storage area. School officials have broader authority to search students than do law enforcement officers.

Such school searches may not be done at the direction or request of a law enforcement officer without probable cause. See s. 1006.09(9), F.S.; *M.E.J. v. State*, 805 So.2d 1093 (Fla. 2002); and *R.L. v. State*, 738 So.2d 507 (1999).

CHAPTER 3

Interactions in a Diverse Community

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Law enforcement officers perform their duties effectively by interacting with the diverse members of their communities. In any communication with another person, there are three main components: the sender, the message, and the receiver. It is imperative that officers in the field are capable of adapting their communication styles to meet the needs of the people they are interacting with, eliminating potential miscommunications that may jeopardize an officer's effectiveness or safety.

Miscommunication may create problems and potential safety issues. Miscommunication happens for different reasons: unclear expression, communication barriers, or a failure to understand the needs of the listener. This chapter explains the common communication traits of individuals based upon their cultures, experiences, physical and psychological conditions, and how specific situations can challenge an officer's effort to perform his or her duties. Officers who possess strong interpersonal skills can respond appropriately while circumventing potential emotional triggers during a crisis situation.

UNIT 1 | COMMUNICATING IN LAW ENFORCEMENT

LESSON 1 | Effective Communication

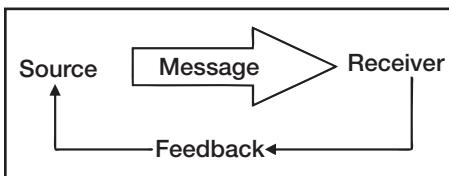
OBJECTIVES

- LE704.1.** Describe the components of the communication process between individuals.
- LE704.2.** Describe the characteristics of an officer who communicates effectively.
- LE704.3.** Describe the role of listening and speaking in effective communication.
- LE704.4.** Describe how nonverbal communication can help an officer communicate effectively.
- LE704.5.** Explain how eye contact can relate to an individual's emotional state when communicating.
- LE704.6.** Describe an individual's cultural influences that can affect interpersonal communications with an officer.
- LE704.7.** Explain techniques for evaluating an individual's verbal and nonverbal communication.
- LE704.8.** Recognize potential and actual barriers to effective communication when interacting with the community.

LESSON GOAL: At the end of this lesson, you should be able to identify the elements of and barriers to effective communication.

Communication involves the exchange of messages, verbally and nonverbally, through signals or writing. Communication methods include spoken or written language, gestures, facial expressions, and body movements.

Interpersonal communication is cooperative in nature. A **sender** (speaker) transmits a message to a **receiver** (listener). The speaker must transmit a message (a request, an order, a question, or a description) in a form that the receiver/listener understands. The listener then acknowledges the message by providing feedback or responding, then becoming a speaker as well. A listener most effectively understands when the sender speaks clearly, using the proper tone of voice and rate of speech.



The communication process

Figure 3-1

Characteristics of Effective Communication Attitude

An officer's beliefs and values help establish his or her attitude and level of respect for another person, group, or event. An officer with a positive attitude is a valuable member of society who asks appropriate questions and stays a step ahead by planning possible responses to situations. Be aware of your attitude and values because they can shape your expectations of what will happen in any given situation.

Self-Control

While interacting with the public, you may encounter people who react negatively to your authority as someone representing a law enforcement agency. This is not an attack on you as a person, but what you represent. Self-control will help you stay emotionally strong, even under significant stressors. Know your strengths and weaknesses, and exhibit restraint through the appropriate use of a professional attitude, personal resolve, and lawful behavior. Assessing and overcoming weaknesses is extremely important to

achieving self-control. When presented with a stressful situation, breathe smoothly, deeply, and evenly to maintain composure. Be aware of things that can irritate you, exercising self-control over your reactions. When an officer loses self-control, a situation can quickly deteriorate and have a negative result.

Self-knowledge is the understanding of one's own nature, character, abilities, motives, and limitations. Self-knowledge promotes self-control, especially when the officer is dealing with emotional triggers. Everyone has emotional triggers that stem from personal sensitivities and the traditions they value. These traditions include your reputation, self-respect, pride in your heritage, and other personal beliefs. Assess your trigger points and learn ways to control your emotions. The lack of being able to control your emotional triggers is a safety issue.

Courtesy

Demonstrate **courtesy** by showing consideration, respect, and cooperation when interacting with others. Courtesy and professionalism go hand in hand when interacting with members of the community and other law enforcement professionals. Treat all people with dignity, courtesy, and respect, regardless of race, gender, appearance, or behavior. Maintaining a professional, courteous demeanor will help you respond appropriately to any situation.

Communication Process

Listening

Listening goes beyond merely hearing words. It takes practice, hard work, and often requires much more energy than talking. A good listener concentrates on what is said, focusing on the words, ideas, and important information related to the subject. To encourage clear communication, use active listening skills. To use **active listening**, repeat to the speaker what you have heard by restating or paraphrasing the speaker's words. Listen carefully, evaluate the statement, and state back key points to show that you understand what they are saying.

Speaking

The effective communicator adjusts how he or she is speaking to accommodate the needs of the listener, always maintaining good eye contact. Use short, commonly understood words, and avoid slang, jargon, or obscure phrases. Keep sentences brief and to the point. Short sentences minimize distraction, especially in stressful, confusing, or noisy situations. Give clear, specific directions; for example, saying "Stand next to the trunk of your car" is better than "Move over there where I can see you." The officer who communicates effectively also speaks in an appropriate tone of voice. How something is said is as important as what is said. The tone of voice, how fast you speak, and facial expressions greatly affect listeners. The use of open-ended questions will promote the continued exchange of information without limiting the other person's responses to short or one-word answers.

Nonverbal Communication

Interpersonal communication is more than a spoken exchange. It includes **nonverbal communication** that is expressed through facial expressions, gestures, and body language. It is not what is conveyed as much as how it is conveyed. Interpersonal communication skills help an officer's primary function of interacting with others to get them to act on or respond to a situation. When interacting with suspects, victims, and witnesses, officers should always strive to match their spoken messages to their nonverbal messages. As officers gain experience in law enforcement, they should improve their abilities to interpret spoken and nonverbal

communication simultaneously. Communication occurs at multiple levels and in various ways. For example, a suspect may say one thing, but his or her body language may convey something entirely different.

People communicate nonverbally through posture, muscle tension, facial expression, and even how long it takes a person to respond to a question. Understanding the subtle differences between a person's spoken words and his or her body language will enhance an officer's ability to communicate effectively.

Nonverbal communication in particular is subject to serious misinterpretation because people react differently to stressful situations. Crossed arms or legs may indicate deception or defensiveness. Sweating, rapid breathing, fidgeting, or blinking may indicate nervousness. Anger is sometimes demonstrated through clenched fists, pacing, clamped teeth, or a clear unwillingness to communicate. When a person is nervous or withholding information, he or she might rock back and forth. Frowns can show displeasure, uneasiness, or confusion.

Smiles may indicate pleasure, confusion, or failure to understand. A lack of obvious emotion may indicate shock, fear, not hearing or understanding, or a sociopathic personality.

A receptive person who feels at ease with the officer and the situation may have a relaxed posture with arms down by the side or comfortably in the lap. Avoiding eye contact with an officer may mean the person is shy, uneasy, shameful, fearful, or guilty. Looking directly at the officer may indicate that the person is truthful or challenging. If a person takes quick or cautious peeks at the officer, he or she may be seeking approval from the officer. The person may also be fearful and worried about giving too much information.

Culture can influence an individual's reactions, such as someone avoiding eye contact. One group might consider certain mannerisms and gestures to be appropriate, while another group might consider them extremely rude. An officer's eye contact can either intimidate the listener or indicate concern and openness. Culture can also influence how much eye contact is considered permissible. Certain cultures view eye contact as a sign of disrespect or aggression. Additionally, personal space varies greatly from culture to culture. If an individual is within your reactionary gap (the distance where you can suddenly react to a threat), understanding the nonverbal cues that determine that person's temperament will help you judge how to distance yourself appropriately.

Evaluating Verbal and Nonverbal Cues

The more you understand verbal and nonverbal cues (feedback), the greater your ability to communicate and choose words appropriately. Constantly evaluating your attitude and exhibiting effective verbal and nonverbal communication skills is important to your job and safety. There are several ways to evaluate feedback. You can listen attentively, ask questions to determine if the person understands, and observe facial expressions that show agreement or confusion. You may also watch for gestures, such as shoulder shrugging instead of a verbal response, which may indicate a lack of understanding.

Respond to feedback to determine if effective communication is occurring. Possible questions you may ask yourself to evaluate the situation include the following:

- What is the subject's body stance or position?
- What facial expression is the interviewee making and does this provide additional information?
- What is the position of this person's hands, arms, and legs?
- Is the subject leaning towards or away from anything or anyone?

- Is the subject grabbing another person?
- What is the tone, volume, and pitch of the subject's voice?
- What words are used, and how are they spoken?
- Do I need to respond based on what I see and hear?

Barriers to Communication

Readily identify and eliminate barriers to communication during the execution of your duties to reduce the volatility of a situation and improve the quality of services provided to the community. Communication efforts succeed when actual and potential barriers are recognized and addressed by the officer. Barriers include personal prejudices, stereotyping, and racial or ethnic slurs. Miscommunication may occur as a result of age or generational differences. Language differences, profane or derogatory language, and disrespectful hand or body gestures can also serve as communication barriers. Personal, environmental, and situational distractions can also disrupt accurate communication.

SECTION VOCABULARY

active listening

communication

courtesy

nonverbal communication

receiver

self-knowledge

sender

UNIT 1 | COMMUNICATING IN LAW ENFORCEMENT

LESSON 2 | Professional Communication

LESSON GOAL: At the end of this lesson, you should understand the importance of not allowing your personal attitudes, beliefs, opinions, and experiences to negatively affect your interactions with the public. Identify the community's expectation of professional law enforcement services and the needs of the community regardless of the demographics.

Projecting a Positive Self-Image

Feeling comfortable with expressing yourself generally projects a positive self-image. As a law enforcement officer, see yourself as a positive contributor to society and appreciate your capabilities. Improve your self-confidence, self-image, and credibility through training, education, and life experiences.

Your appearance is the first nonverbal message you give upon arriving at a scene. Keep your uniform clean and pressed and your shoes shined. Maintain your personal hygiene.

OBJECTIVES

LE704.9. Explain how officers must convey a positive self-image when interacting with the community.

LE704.10. Define a command presence as a form of nonverbal communication.

LE704.11. Identify how self-talk and self-evaluation assist the officer in communicating professionally with the community.

LE704.12. Explain the role of professionalism and courtesy when meeting the community's expectations of a law enforcement officer.

LE704.13. Explain how an officer should professionally communicate with individuals from a diverse community.

LE461.1. Describe the relationship between anger and violence, and the role it plays in conflict resolution.

LE461.2. Describe strategies for conflict resolution an officer may use in a volatile incident.

Command presence is an officer's demeanor and confidence exhibited by personal appearance, erect posture, alertness, and attention to surroundings. Command presence is an officer's most valuable nonverbal tool, and you develop it through a combination of training and self-confidence.

Strategies of Self-talk

Self-talk is a continual internal monologue that occurs as the officer evaluates the events taking place around him or her. Self-talk strategies for a law enforcement professional include recalling skills and information learned during training, applying agency policies and procedures, and thinking through a professional response.

Self-talk enables you to keep thoughts, verbal and nonverbal communications, and emotional responses in check and on track to assessing a situation and completing a task. For example, if you think in a manner that demeans a person or a group, stop, re-evaluate those thoughts, and use positive self-talk to correct yourself.

While being aware of your own perceptions, assumptions, and limitations, you must also be aware that others have perceptions and assumptions of you. To communicate effectively, you must not allow emotions to color your words or actions. Remain open-minded and sincerely listen to the speaker without imposing your cultural biases and values on the speaker or how you understand the information. Be the calming presence, and do not allow your anger to escalate a situation. Hostility and rudeness have no place in an officer's relationship with the community. You will not gain public support by expressing irritation or frustration. When on the receiving end of profanity or name calling, remind yourself that those people are attacking the profession, not you personally.

Community Expectations and Officer Response

Community refers to the people and locations that make up the neighborhoods, institutions, and businesses in the area where you work. Law enforcement officers are important resources that make the community more secure and protected from criminal elements. The community expects officers to behave in a courteous, efficient, and accessible manner, treating all people impartially with consideration and compassion. Officers can build community trust in local law enforcement by upholding the legal rights of citizens without bias.

Displaying professional behavior when dealing with the community is just as important as demonstrating proficiency with firearms or in defensive tactics. A slur or disparaging comment made by an officer can inflict emotional harm on the person who hears it. It can also undermine the officer's reputation and the law enforcement profession as a whole, or it could incite negative behavior that could escalate into a threatening situation.

Community Demographics and Officer Response

People from other countries may not understand how the U.S. criminal justice system works, or the officers from their home country may be corrupt. They may feel fear, distrust, or discomfort when interacting with officers. As they become acclimated to the community, they may begin to understand how local law enforcement agencies partner with the community in crime prevention.

Negative perceptions of law enforcement are a frequent topic of community discussion that refers to incidents of poor officer responses that have occurred in the past. An unprofessional, inconsiderate reaction to a situation can destroy the goodwill that took years to build. Surveys show that citizens mostly complain about unprofessional officer behavior that includes disrespect, humiliation, condescension, and rushing to judge situations before gathering all of the facts. The community also complains about officers that make assumptions based on culture, religion, race, gender, age, physical disability, ethnicity, homelessness, or sexual orientation, responding in an inappropriate, biased manner.

Citizens who experience negative contact with law enforcement personnel might view officers unfavorably; erasing negative emotions and regaining and rebuilding trust is not easy.

The public might resist partnering with law enforcement on community projects and cooperating with criminal investigations. The need for public respect, support, and cooperation is essential when providing effective law enforcement services. Learn the demographics and social characteristics of the community to demonstrate a willingness to learn about different groups, and show a willingness and sincere interest in positive public relations.

The badge you wear symbolizes trust and respect; you may be the only face of government some citizens ever interact with. If you want to perform your duties in a professional manner and maintain a positive image, you must master the skills of self-talk, self-control, active listening, self-assessment, and maintaining a positive attitude.

Conflict Resolution

Officers are frequently called upon to mediate conflicts. Although all people experience anger at some point in their lives, an individual's past experiences and personality influence that person's ability to resolve conflicts. Some may resort to anger and impulsive behaviors such as using derogatory terms, body language, and gestures.

The process of ***conflict resolution*** involves managing and resolving a dispute rationally and effectively. It increases the awareness and understanding of each party's concerns and how they can each reach their goals without undermining each other. It develops mutual respect and the ability to work together, and provides individuals with an understanding of what is most important to each of them.

Knowing how to manage and resolve conflicts is an essential skill for all officers. To be proficient in managing conflicts effectively, you should be adept in skillful communication, active listening, understanding human and cultural diversity, and practicing deliberate self-control. It is also important to be knowledgeable of the law and your authority, and how to appropriately apply both to the situation.

SECTION VOCABULARY*command presence**community**conflict resolution**self-talk*

It is the officer's responsibility to steer the people involved in a potentially dangerous incident away from escalating to violence. You should remain impartial and calm when helping people resolve conflicts. Common volatile situations that you may encounter include domestic disputes, child custody exchanges, landlord tenant disagreements, traffic crash investigations, or civil disputes related to services.

A variety of strategies for finding resolutions to volatile situations include the following steps:

1. Separate the involved people, making sure they are in a safe location.
2. Assess the needs of the people.
3. Gather information from all sides.
4. Explore possible options within the boundaries of the law.
5. Implement a solution.

When managing a conflict, first identify the cause of the conflict and try to avoid potential emotional triggers. Determine if the conflict can be resolved or only managed within the time allotted. Know the limitations of your skills, and the resources available to manage the conflict, and bring it to an acceptable conclusion.

Restoring order by guiding the involved parties toward a peaceful resolution should be the primary goal; however, everyone may not agree with the chosen solution. Through cooperation, conflict resolution can bring differing positions toward an understanding that ultimately results in an acceptable outcome.

UNIT 2 | COMMUNICATING IN A DIVERSE SOCIETY

LESSON 1 | Disability Awareness

LESSON GOAL: At the end of this lesson, you should be able to recognize a disability as defined by the Americans with Disabilities Act (ADA) and identify the basic guidelines for interacting with and maintaining the rights of an individual with a disability.

Americans with Disabilities Act (ADA)

A law enforcement officer must understand the requirements of the Americans with Disabilities Act to effectively interact with individuals that have a disability. The **Americans with Disabilities Act (ADA)** is a federal civil rights law that prohibits discrimination against persons with disabilities and requires public buildings and spaces to have equal opportunity for access. According to the ADA, an individual with a disability is a person who has a physical or mental impairment that substantially limits a major life activity, has a record of such impairment, or is regarded as having such impairment. A **substantial limitation** is a restriction of the manner, condition, or duration in which one can perform major life activities compared to nonimpaired people. **Major life activities** include caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. Other major life activities include sitting, standing, and lifting and mental and emotional processes such as thinking, concentrating, and interacting with others.

Impairment is defined as any mental, physiological, or physical disorder that makes the completion of major life activities using traditional methods difficult. Examples of impairments are back or spinal injuries, psychiatric and/or mental disabilities, neurological impairments, extremity impairments, heart impairments, substance abuse, diabetes, hearing impairments, vision impairments, and blood disorders. The most common disabilities that you will encounter are psychiatric and/or mental disabilities; neurological impairments; hearing, speech, and vision impairments; and extremity impairments. People with disabilities vary in age and levels of impairments.

Title II of the ADA states that no qualified individual with a disability shall be discriminated against or excluded from participation in or sharing of the benefits of the services, programs, employment, or activities of a public entity. Since a law enforcement agency is a public entity that provides state or local government services, Title II has an impact on your daily duties and responsibilities. The ADA does not prevent an officer from enforcing laws, but it affects how law enforcement officers interact with people that have disabilities.

The law requires that officers provide the same level of services and enforce the laws equally for people with or without disabilities.

OBJECTIVES

LE794.1. Explain how the requirements of the ADA impact the role of the officer when performing law enforcement duties.

LE794.2. Explain how the officer can protect the rights of a person with disabilities when making an arrest.

LE794.3. Describe the officer guidelines for interacting with a person who has disabilities.

SECTION VOCABULARY

Americans with Disabilities Act (ADA)

impairment

major life activities

substantial limitation

Protecting the Rights of Individuals with Disabilities

Individuals with disabilities have the same rights as everyone else, and law enforcement officers must protect these rights. Some individuals with disabilities may not understand the *Miranda* rights as they are usually explained. This is particularly likely if a person is in a stressful situation or has a disability that affects the ability to communicate. Explain the *Miranda* rights in terms the person can understand, keeping in mind that their vocabulary and understanding of the concept of “rights” might be limited.

Whenever possible, ensure that someone who knows the individual, such as a relative, friend, attorney, or agency staff member, is present when interviewing a person with a disability. Videotape the interview, if possible. Document the disability in the interview or incident report and inform the state attorney’s office, as appropriate. If you arrest a person with a disability, inform correctional personnel of the disability.

Guidelines for Interacting with Individuals with Disabilities

Officers should be sensitive and aware of people’s differences while demonstrating respect for their limitations. Never dismiss or disregard a person because they have a disability. Treat a person with disabilities the same way you treat others. Maintain eye contact with and speak directly to the individual, even when an interpreter is present. Speak in a normal tone of voice unless the person has a hearing impairment; then, speak clearly and distinctly and write notes if necessary. Be patient because it may take extra time for a person with a disability to say, do, or show something. Never physically assist an individual with a disability without asking his or her permission to help. Only offer help if the need seems obvious. If assistance is requested, follow the person’s instructions.

Some people with disabilities use a service animal, as described in s. 413.08, F.S., such as a dog trained to assist them with daily activities. A service animal for a person with a vision, hearing, or mobility impairment may or may not wear an identifying harness or vest. The person may have documentation showing that the animal is a service animal; however, no certification is required under the law. A person with a service animal is entitled to freely access public areas. In the event that a person with a disability is arrested, the officer must arrange care for the service animal. It is preferable to place the animal with a family member, a friend, or even a kennel rather than calling animal control.

UNIT 2 | COMMUNICATING IN A DIVERSE SOCIETY

LESSON 2 | Physical Impairments

LESSON GOAL: At the end of this lesson, you should be able to recognize the characteristics of physical disabilities, including being deaf or hard of hearing and having mobility impairments, and recognize techniques for responding to an individual with a physical disability.

Mobility Impairment

The ADA defines **physical** or **mobility impairment** as a functional limitation that affects one or more of a person's limbs. People with mobility impairments may have limited use of one or more of their extremities for walking, grasping, or lifting objects. Their movement from place to place may rely on a variety of artificial means and devices that range from braces, canes, crutches, and walkers to regular and motorized wheelchairs. Some individuals have limited hand control and difficulty performing certain movements. Older people may have conditions that prohibit them from moving, sitting, or reaching, such as arthritis or tendonitis. Though a person may not be formally documented as having any particular disability, the officer should treat them with all the rights afforded to a disabled person. According to the ADA, an individual can be considered disabled if they are regarded as having a physical impairment.

There are special considerations the officer should keep in mind when communicating with individuals who have a mobility impairment, such as maintaining good eye contact. When speaking to someone in a wheelchair, sit down to be at eye level with the individual, taking your safety into consideration. Do not assume that a person who has a mobility impairment needs assistance. Some activities may appear to be difficult, but the person may not need or want help. As a point of safety, wear disposable gloves when searching a wheelchair. If you must transport a person with a mobility impairment, follow agency policies and procedures.

Vision Impairment

Vision impairment is a loss or partial loss of vision. The types of vision impairments that an officer will encounter most often are blindness and partial sight. There are several types and degrees of visual impairments. People who have visual impairments such as blindness or partial sight meet the ADA definition of disability. **Blindness** is a functional loss of vision. This definition applies both to people who cannot see at all (are unable to distinguish light from dark) and people who have some vision in one or both eyes. Eighty to ninety percent of people who are blind or visually impaired have some vision. **Partial sight** is a visual impairment in which, after correction, objects still look dim or out of focus. People with partial sight may not see color well or at all or may lack peripheral vision, but they can still see and even read with magnifiers or other aids.

OBJECTIVES

- LE772.1.** Define physical or mobility impairment according to the Americans with Disabilities Act (ADA).
- LE772.2.** Describe how an officer can maintain officer safety while interacting with an individual that has a mobility impairment.
- LE772.3.** Define visual impairment according to the Americans with Disabilities Act (ADA).
- LE772.4.** Explain how an officer should interact with a person who is visually impaired.
- LE772.5.** Define hearing impairment according to the Americans with Disabilities Act (ADA).
- LE772.6.** Explain how an officer should interact with a person who is hearing impaired.
- LE772.7.** Explain how the officer can protect the rights of a person with a hearing impairment when making an arrest.
- LE772.8.** Define speech impairment according to the Americans with Disabilities Act (ADA).
- LE772.9.** Explain how an officer should interact with a person who is speech impaired.

Provide special accommodations for victims, witnesses, and suspects who are visually impaired. Assist a visually impaired victim by reassuring him or her that the assailant is no longer present. A witness with a visual impairment may provide useful and reliable nonvisual observations. Give someone with a visual impairment a large-print version of any written documents that require a signature, or read the documents to him or her.

Hearing Impairment

A **hearing impairment** is any degree of hearing loss. The two classifications of hearing loss are hard of hearing and deafness. A person who is **hard of hearing** may suffer a hearing loss but not to the extent that he or she must rely primarily on visual communication (such as written notes or sign language). Hearing aids may not improve the person's ability to understand words but may at least increase his or her ability to hear sound. **Deafness** is a hearing loss of such severity that the individual must rely primarily on visual tools such as writing, gestures, sign language, and lip-reading to communicate. Some people with hearing impairments may have poor balance and/or slurred speech and may appear to be intoxicated.

People with hearing impairments are generally attentive to their surroundings as their eyes must see what their ears cannot hear. Hearing-impaired individuals may compensate for the loss of hearing with heightened visual awareness. They rely on nonverbal communication such as **sign language**, which is signaling with the hand and arm, or body movements simultaneously combined with facial expressions in order to express their thoughts. People with hearing impairments often indicate that they cannot hear by pointing to their ears or mouths, shaking their head "no," or making some other movement to indicate that they do not understand. **Lip-reading** is the ability to understand what someone is saying by watching the movement of the lips, the facial expressions, and the body language of the other speaker when he or she is talking. Lip-reading is the least effective form of visual communication.

When interacting with an individual with a hearing impairment, attempt to gain the individual's attention first. A light touch on the arm should attract his or her attention and avoid a startled response. Once you have the person's attention, state the person's name before beginning a conversation. Face the individual, maintain good eye contact, and speak clearly, slowly, and distinctly, using the appropriate volume without shouting.

Shouting or exaggerating mouth movements distorts speech, making it more difficult for a hearing-impaired person to understand you. Complex sentences and quickly changing topics can add confusion. If the individual does not understand a particular phrase or word, try to find a different way of saying the same thing rather than repeating the same message. Take turns speaking and pay attention to the listener; a puzzled look may indicate misunderstanding. Assess how much hearing-impaired people understand by having them repeat back what they understood. Have them write down specific information such as time, place, phone numbers and other pertinent information. An officer should be aware of environmental considerations. Try to minimize extraneous noises, avoid dimly lit rooms, and do not speak to a third individual in a different room or who is out of sight.

For many persons who are hearing impaired, sign language and other forms of nonverbal communication is their primary language. A certified **sign-language interpreter** is a person who can both receive and express information and interpret it effectively, accurately, and impartially. This definition recognizes that some types of communication require more sophisticated interpreting skills than others do. When communicating with an individual who relies on sign language, speak to the hearing-impaired individual, not to the sign-language interpreter. If an interpreter is not available, an officer may need to ask the individual to use pen

and paper, saving the document as evidence relating to the incident. Aids such as cellphone applications, a computer, a telecommunications device for the deaf (TDD), an assistive listening device (sound amplifier with headphones), or sign-language interpreter also may be used to help with communication. Consider videotaping all exchanges with a subject who is hearing impaired.

A large majority of Florida cases involving defendants who are hearing impaired are dismissed because of events occurring before *Miranda* rights are explained. This emphasizes the importance of understanding the communication problems associated with hearing impairments. When advising a deaf person of *Miranda* rights, provide the rights in a manner understood by the person, such as in writing or using a sign-language interpreter. A person who is deaf and has a limited understanding of spoken English cannot knowingly waive his or her rights, unless the warning is given in a format he or she understands.

The ADA requires officers to give primary consideration to the individual's expressed choice of communication assistance. Whether that requires a qualified sign-language interpreter, or other communication aid such as a TDD, depends on the nature of the communication, the needs of the requesting individual, and your agency's policies and procedures.

If the situation may be confrontational, do not rely on family members or friends to provide sign language interpretation. You may receive biased information. Avoid using children as interpreters, as they may be unable to understand certain concepts or lack the vocabulary to translate. In a domestic dispute, children may favor one parent over the other.

Speech Impairment

A ***speech impairment*** is a physiological condition that causes someone to have difficulty in producing sound or understanding language. Common examples of speech impairments include stuttering and slurring of words. Causes of speech impairment can be from hearing loss, a neurological disorder, a brain injury, and physical impairments such as a cleft lip or palate.

If you are having difficulty understanding the person's speech when providing assistance in a non-confrontational incident, ask the individual if there is a family member, friend, or neighbor who may provide assistance. If no one is available, ask the person to repeat what was said or ask them to use a pen and paper. If using a pen and paper to communicate, make the questions brief and clear, and save the paper if necessary.

Speech impairments can be present in many different forms, including language impairments or voice and sound disorders. People with speech impairments are entitled to the same rights as people without a disability and may not be excluded or segregated from services, denied services, or treated differently, even if they require the use of an interpreter.

SECTION VOCABULARY

blindness

deafness

hard of hearing

hearing impairment

lip-reading

physical or mobility impairment

partial sight

sign language

sign-language interpreter

speech impairment

UNIT 2 | COMMUNICATING IN A DIVERSE SOCIETY

LESSON 3 | Developmental Disabilities

OBJECTIVES

- LE774.1.** Describe the characteristics and causes of a developmental disability.
- LE774.2.** Describe the four levels of an intellectual disability, including the characteristics and functional abilities.
- LE774.3.** Describe how to interact with individuals that have an intellectual disability through effective communication and appropriate accommodations.
- LE774.4.** Describe the functional limitations of an individual with pervasive developmental disorder.

LESSON GOAL: At the end of this lesson, you should be able recognize behaviors associated with different types of developmental disabilities and determine how to intervene appropriately.

Developmental Disability

Developmental disability is an incurable intellectual or behavioral impairment that shows itself before the age of 22 and is likely to continue indefinitely. People with this disability have substantial functional limitations in major life activities such as self-care, learning, mobility, the capacity to live independently, and the ability to be economically self-sufficient. Causes of developmental disability range from genetic disorders such as Down syndrome to prenatal illnesses and issues such as fetal alcohol syndrome and complications at birth. Childhood illnesses and injuries can also cause permanent and irreversible brain damage, resulting in intellectual disability before the age of 22.

Intellectual Disabilities

Intellectual disability, also referred to as mental retardation by the American Medical Association, is a type of developmental disability. Regardless of the cause of an **intellectual disability**, the result is a lifelong condition characterized by slow intellectual development. A psychological evaluation is required to diagnose an intellectual disability early in childhood. Intellectual disabilities cannot be cured, but the individual's capabilities and independence may be enhanced by using appropriate modifications and accommodations. Be aware that, depending upon the individual's level of disability and access to available resources and caregivers, a person with an intellectual disability may be vulnerable to crimes of opportunity.

There are four levels of intellectual disability: mild, moderate, severe, and profound. The majority of individuals with an intellectual disability function at the mild level of disability which may not be easily identifiable. People functioning at this level can learn academic and prevocational skills with special training and work within their community. Individuals with a mild intellectual disability might not understand long-range consequences or be able to make appropriate choices, but they do sometimes realize when they have done something wrong.

Individuals with a moderate intellectual disability make up about 10% of the population of people living with an intellectual disability. They may develop coping skills to cover up their disability in an attempt to appear "normal". They may recognize their own needs and wants, but not readily identify the needs and wants of others, and have few relationships outside of family members and caregivers. Individuals with a moderate

intellectual disability can achieve a primary academic education and may be able to perform semiskilled work under direct supervision. They can be independent in familiar surroundings, but may be easily frustrated with unfamiliar surroundings and circumstances. These individuals might have trouble describing events in chronological order and may not understand cause and effect. While they may understand that they have done something wrong, they may not grasp the significance of their actions.

Individuals with a severe intellectual disability have very slow motor development and communication skills and frequently are under close and constant supervision or are living in a group home setting. They are usually encouraged to contribute to their own self-maintenance; however, they may not be fully capable of living independently.

Persons with a profound intellectual disability require constant care and supervision and may or may not have developed basic speech. Generally, officers will not come into direct contact with these individuals but will deal directly with the caregiver.

Interacting with Persons with Intellectual Disabilities

Law enforcement officers may respond to situations involving a subject who has an intellectual disability. Terms commonly accepted within the medical and psychiatric communities may not be accepted by those persons impacted by the specific disability. For example, those who may be considered hearing impaired may prefer being referred to as deaf. Medical professionals will sometimes refer to someone as being mentally retarded; however, that person may prefer to be identified as intellectually disabled. Refrain from imposing your label upon their disability, use their preferred terminology, and treat them with dignity.

When interacting with a person with an intellectual disability, a caregiver may provide reassurance or have a calming effect on the person, or may take extra precautions with the individual's safety. The individual with intellectual disability may have a personalized piece of technology or some other form of identification that can assist you in contacting the caregiver.

When speaking to a person with an intellectual disability, use simple, short, and uncomplicated sentences to increase the likelihood the message will be understood. Ask individuals to repeat what they have heard to show they fully understand the message. An individual might need additional time to respond to questions.

Persons with intellectual disabilities may not be able to distinguish between abstract and concrete thought and might confess to crimes they did not commit. When interacting with and interviewing a person with an intellectual disability, be aware that the individual may be easily intimidated, eager to please and may generally be in agreement with all authority figures. If there is a need for services, refer a person with intellectual disabilities to the Department of Children and Families, The ARC, or a local mental health facility.

Autism Spectrum Disorders

Autism spectrum disorders (ASD) is a term used to describe a group of conditions that are diagnosed early in childhood that continue throughout adulthood, and that are more prevalent among males than females. This disorder is characterized by communication and social skills deficits. Additionally, if an autistic individual were to struggle in an adverse situation, he or she may engage in repetitive coping skills. Individuals with these characteristics typically receive a diagnosis between birth and three years of age; this is a critical period for child development in which delays are especially noticeable.

Identifying Individuals with Autism Spectrum Disorder

Autism Spectrum Disorder includes a range of functioning levels with varying degrees of independence. An individual with mild autism may be independent and may not appear to have delayed language development. They may want to interact with others; however, they do not know how to read facial expressions and body language. Persons with autism may not have a concept of personal boundaries or may be unable to connect emotionally to others in ways others are most familiar with. People with ASD may also be unable to understand abstract uses of language, such as humor, sarcasm and metaphors. Another characteristic of people with mild autism may be an obsessive interest in a particular subject, about which they may carry on lengthy, one-sided conversations with a high degree of knowledge. Those who want to interact with others can be socially isolated and may have issues with anxiety or depression.

Individuals with autism who are less independent have pronounced deficiencies in language development and may even be nonverbal. Some individuals who are less independent may have varying degrees of mental challenges and may be unable to behave appropriately in a social setting. Often these individuals prefer to be alone. They may avoid eye contact with others, and their behavior can be unpredictable.

Autistic individuals may engage in repetitive behaviors known as ***self-stimulating behaviors***; engaging in this behavior may allow an overstimulated individual to calm down in a stressful environment or can provide an understimulated individual with sensory stimulation.

Examples of self-stimulating behaviors related to senses include:

- staring at lights
- body rocking
- hand flapping
- finger flicking
- humming
- bouncing
- pacing, or spinning
- picking at skin or clothing

The sooner you determine that you are dealing with an autistic individual, the sooner you can begin to modify the way you communicate to help avoid a potential situation or de-escalate an interaction.

Possible behaviors that may indicate autism:

- poor eye contact
- non-responsive to your questions or directions
- provide you with vague, non-committal or confusing answers
- sensitivity to light, sound or touch

- behavior that does not appear to be logical
- overwhelmed with emotion
- may communicate through electronic devices
- “scripting” from movies—repeating quotes from movies
- “echoing”—repeating your words

An individual’s level of arousal may lead to self-injurious behaviors and possibly releasing endorphins. As a result, some autistic individuals may be unable to feel pain while engaging in self-injurious behavior, such as the following:

- biting or picking at themselves
- excessive self-rubbing or scratching
- head-banging
- hand-biting
- eye-poking

SECTION VOCABULARY

autism spectrum disorders (ASD)

intellectual disability

self-stimulating behavior

UNIT 2 | COMMUNICATING IN A DIVERSE SOCIETY

LESSON 4 | Veterans

OBJECTIVES

LE786.1. Describe characteristics of veterans or active-duty military personnel in a civilian environment.

LE786.2. List the physical and psychological disabilities associated with military veterans.

LE784.1. Describe the characteristics of a person with post-traumatic stress disorder (PTSD).

LE772.10. Describe the characteristics of traumatic brain injuries (TBI).

LE786.3. Identify challenges that veterans face reintegrating into family life and obtaining employment after returning to civilian life.

LE786.4. Identify possible coping behaviors a veteran may use to avoid stress.

LE786.5. Describe an officer's response to an incident involving a veteran with a TBI or PTSD.

LESSON GOAL: At the end of this lesson, you should be able to identify characteristics, behaviors, and considerations when communicating with veterans who are having difficulties transitioning back into the community.

Identifying Veterans in Transition

Officers may encounter veterans and active duty members of the armed forces with a deep-seated sense of military culture that is rigid and defensive in nature. Those characteristics are desirable qualities for military service; however, they are not well suited for civilian life. Veterans transitioning from active duty to civilian life carry unique experiences from military culture and combat with them. Consistently refer to your training when observing individuals with possible prior or current military service. You should be able to identify individuals with military experience and be prepared to react quickly and appropriately if there is a threat to officer safety. Visible signs of current or prior military experience include:

- a military-style haircut
- tattoos with military subject matter
- blended clothing such as a t-shirt with camouflage pants and a cap
- carrying multiple weapons
- body language, e.g., military stance
- license plates and bumper stickers with military subject matter
- providing a military ID along with a driver's license
- Florida license with "V" for veteran code

When engaging an individual in conversation, an officer may notice military jargon or acronyms such as:

- "I'm on my way back to home-base."
- "I just got back from the sandbox."
- "I'm enjoying my R&R status."
- The use of military acronyms

Psychological Stressors for Veterans

Because of their exposure to traumatic experiences, some veterans may have pronounced physical and psychological disabilities as a result of military duty. These disabilities may be significant, but not necessarily immediately noticeable. An individual suffering from any of the following injuries or psychological disorders is likely to have prescribed medication and/or be self-medication:

- musculoskeletal injuries
 - limited range of motion
 - amputation
- neurological injuries
 - traumatic brain injury (TBI)
 - loss of vision and/or hearing
 - chronic headaches
 - peripheral nerve injuries
- psychological disorders
 - stress-induced conditions such as ulcers
 - lack of impulse control
 - hypervigilance
 - post-traumatic stress disorder (PTSD)
 - suicidal thoughts or attempts to commit suicide
 - homicidal thoughts

Post-Traumatic Stress Disorder (PTSD)

Post-traumatic stress disorder (PTSD) is a severe anxiety disorder that develops after experiencing an extremely terrifying event. The individual may display symptoms such as depression, anxiety, flashbacks, and recurring nightmares.

The person may become emotionally unresponsive or have an unpredictable outburst of anger due to intrusive thoughts of re-experiencing the event. Avoidance of reminders or anything associated with the event may be a coping mechanism to relieve stress.

Hypervigilance is one of the symptoms of post-traumatic stress disorder. ***Hypervigilance*** is an enhanced state of awareness or “being on guard” that impedes one’s ability to relax and disengage from a stressful situation. People experiencing hypervigilance are always on alert, constantly scanning their environment for anticipated danger or threats.

PTSD is a common anxiety disorder experienced by combat veterans and those who have witnessed second-hand trauma, such as medical professionals dealing with injuries suffered by combat veterans. Symptoms of PTSD can cause significant impairment, socially and professionally, in an individual’s day-to-day functioning.

Traumatic Brain Injuries

A **traumatic brain injury (TBI)** is structural damage sustained by the brain resulting in temporarily or permanently impaired brain function. Closed head injuries can originate from a concussion or a rapid movement of the brain inside the skull. Altered mental status can originate from a tumor, stroke, infection, or a lack of oxygen. An injury that causes the inside of the skull to come into contact with the outside air is an open head injury, which is frequently caused by vehicle accidents, sports injuries, construction accidents, violence, or an injury related to combat. All of these injuries are traumatic brain injuries (TBI). The Department of Defense and the Department of Veterans Affairs considers TBI to be the signature injury for the veterans of the wars in Iraq and Afghanistan. The initial TBI causes a secondary injury, which occurs when the brain swells within the skull creating pressure resulting in further brain damage or death. Depending upon the severity and the location of the TBI, the end result can be permanent cognitive and physical disabilities. Symptoms of TBI may mimic behaviors of being under the influence of drugs or alcohol.

Family Relationships and Career Challenges

The inability to easily transition to civilian life is an underlying stressor for veterans. In combat, veterans' survival techniques included swift and strong mental and physical reactions; in civilian life, these techniques can interfere with the foundation of relationships and interpersonal interactions. These differences in ways of life become emotional triggers that can easily escalate ordinary situations to a crisis where the veteran may react suddenly and possibly violently.

- **Family dynamics:** In some instances, being separated from family members for long periods of time makes it difficult for a veteran to reintegrate back into the family setting. If suffering from a physical or emotional disability is coupled with difficulty reintegrating back into the family, some veterans can find themselves in domestic violence situations.
- **Career difficulties:** Veterans may have held positions of leadership while in the military. However, in civilian life they may find themselves taking orders instead of giving them. This can cause difficulties in interpersonal relationships with coworkers and supervisors. A lack of career options that do not use military training, such as that of a paratrooper, can also cause employment challenges.

Coping Behaviors Exhibited by Veterans

Veterans suffering from stress-related disorders may try to gain control over their environment by applying various coping behaviors, sometimes extreme, that mask deeper issues. Self-medicating with drugs and alcohol can help the veteran to numb his or her feelings and reactions; however, it may push them towards irrational thinking and behaviors. Veterans will often avoid personal interaction and situations that cause them stress. Some of these coping behaviors can increase stress in the family environment or place of employment.

Officer Techniques When Interacting With a Veteran

All veterans have undergone extensive defensive and offensive training and are familiar with a wide assortment of weapons. This can pose a very real threat to officer safety when you are unaware that the individual you are dealing with is a veteran in crisis. A veteran with a TBI or PTSD may have issues with substance abuse, mood changes, social judgment, and impulse control that can lead to unpredictable behavior. TBI or PTSD will distort a veteran's reaction to an incident and create significant officer safety concerns.

If you are unable to reach an understanding with the veteran, consider asking for backup from another officer with a military background who can make a personal connection of shared experiences of military life. If the situation quickly escalates, immediately request backup.

SECTION VOCABULARY

hypervigilance

post-traumatic stress disorder (PTSD)

traumatic brain injury (TBI)

UNIT 2 | COMMUNICATING IN A DIVERSE SOCIETY

LESSON 5 | Juveniles

LESSON GOAL: At the end of this lesson, you should be able to recognize the behavioral characteristics and issues of juveniles, and identify the appropriate communication and intervention methods used when interacting with a juvenile.

Characteristics of Juveniles

Juveniles are raised in a variety of homes, which can be traditional, blended families, and single-parent homes. These young people generally reflect the values instilled in them by their families, schools, communities, and cultures. Young adults continue to develop personality traits, social skills, and cognitive abilities on their way to becoming mature adults that make age-appropriate decisions. Florida Statutes states that a juvenile is a person under the age of 18; however, most psychologists believe that the brain is not fully developed until the age of 25.

Juvenile Offenders

Some juveniles may want to push the boundaries of the rules, both at home and in public, and may show a high degree of irresponsibility, little respect for authority, and unpredictable behavior patterns. Juveniles may also be manipulative and defiant when

OBJECTIVES

LE768.1. Describe juveniles and how their values reflect their families, schools, community and culture.

LE768.2. Identify common characteristics that a law enforcement officer may encounter when interacting with juvenile offenders.

LE768.3. Identify attributes that a law enforcement officer needs to interact with juveniles effectively.

LE461.3. Model healthy conflict resolution to solve a dispute between a juvenile and his or her parent(s) or caregiver.

interacting with anyone, including law enforcement. Many delinquent juveniles come from an unstable home environment, which can contribute to behaviors such as bullying, violence, aggression, and petty crimes. There may also be a higher incidence of drug or alcohol involvement among these youths.

What may seem to be a minor incident or disagreement can lead to serious violence among teenagers. Through social media, some juveniles may become desensitized and abusive towards each other. They may use it to respond to or carry on a disagreement, which can escalate to bullying. Social media, which juveniles use for both criminal and noncriminal purposes, allows for the false perception of anonymity.

Interacting with Juvenile Offenders

Each situation involving a juvenile offender is unique. Some situations may require more patience and understanding, while others may require a firmer, more direct approach. A high degree of self-control, patience, flexibility, and understanding is required to work effectively with youthful offenders. You must be able to adapt to whatever situation arises with a juvenile, such as truancy, rebellion, or dangerous behavior. Establishing positive working relationships with the youth and young adults of your community will help build relationships and networks that will benefit the overall law enforcement effort.

Juvenile Conflict Resolution

Having conflicts between juveniles and their parent(s) or guardian is an inevitable part of life. On occasion, you may be called upon as a neutral third party to provide conflict resolution between a juvenile and their parent(s) or caregiver. It may be necessary to separate both parties in an attempt to reduce the tension. Age gaps and gender differences may be a barrier to communication or a key factor in the disagreement. Be aware of the juvenile's nonverbal messages, like eye-rolling and using a defensive body posture and a suitable tone of voice. If a juvenile's body language and tone of voice are in conflict with his or her statement, you may want to ask for clarification.

Encourage participants to express their differences and disagreements calmly and then talk about their shared understanding of the situation. Collectively brainstorming solutions to a problem can create mutually agreed upon compromises. Work towards establishing common goals, and find steps to achieve those goals. By modeling healthy conflict resolution to solve the current issue, you may provide a foundation to limit further calls for service.

The Department of Children and Families (DCF) is responsible for the safe placement of abused and neglected children. After DCF is contacted in an abuse or neglect case, an agency representative will coordinate with law enforcement to have the victim transported to a safe location. The officer should transport or arrange for the transportation of an individual who is being involuntarily committed to a treatment facility, jail, or other appropriate location.

UNIT 2 | COMMUNICATING IN A DIVERSE SOCIETY

LESSON 6 | Elderly People

LESSON GOAL: At the end of this lesson, you should be able to recognize the special needs and medical conditions related to an aging population and appropriately respond to a crisis situation involving an elderly individual.

Our elderly population is frequently dependent upon others. An elderly person is a person 60 years of age or older who may be suffering from the infirmities of aging. This may be manifested by advanced age, organic brain damage, or another physical, mental, or emotional dysfunction. This person may not be able to provide adequately for their own care or protection.

Most members of the elderly population live either at their homes, close to family, or with family members; a small percentage live in nursing homes. Some elderly people require caregivers, and others who are chronically impaired require long-term care. Medical and personal services may be provided in hospitals, nursing homes, assisted living facilities, or a personal residence. Many elderly individuals receive assistance through federal or state programs and live on a fixed income near the poverty level.

Florida has a large elderly population, so you will interact with older people frequently and in a variety of settings. This great amount of interaction requires you to be aware of the special needs of the elderly so you can ensure that older Floridians have the full protection of the law. Understanding the aging process and the characteristics of the elderly population will help you relate to Florida's senior citizens in a positive and effective manner.

Elderly people can be more vulnerable to neglect and crimes such as fraud or exploitation. They also may be more reluctant to report crimes committed against them. Elderly people commit only a small percentage of crimes, violations like worthless checks and petit theft. Generally, older people have a positive attitude toward law enforcement.

Age-Related Medical Conditions

Advancing age is not synonymous with disease and disability. Many older people are active and healthy throughout their lives. However, almost everyone who lives to a certain age experiences a number of normal physiological changes. In addition, the chances of developing certain medical conditions increase with age.

As people age, they may experience sensory impairment. Examples include changes in their eyesight, including a loss of visual acuity and a deterioration of depth, distance, and peripheral perception. They are more likely than younger people to suffer

OBJECTIVES

LE770.1. Describe an elderly person and their various types of living arrangements.

LE770.2. Identify common physical and emotional characteristics that a law enforcement officer may encounter when interacting with an elderly person.

LE770.3. Identify ways to communicate effectively with an elderly person.

LE770.4. Identify state and local resources that may provide assistance to the elderly.

loss of balance, which increases their risk of falling. In addition, hearing loss and the loss of the ability to tell from where a sound originates may occur. Sensory impairment may limit a person's mobility, increase their likelihood of accidents, or lead to fear and isolation.

Older people may also experience a change in their sense of touch. Some older people suffer from neuropathy, a condition in which they cannot sense pain in their extremities, making them less likely to notice injuries. Many elderly people are prone to rips, tears, and bruising of the skin from everyday activities.

Because older people often experience an increased sensitivity to changes in the weather, they are more susceptible to heat stroke, heat exhaustion, and hypothermia. Other physical and emotional conditions that tend to affect the elderly include incontinence, bed sores, dehydration, loneliness, and depression. Another result of aging is the loss of muscle strength, which makes performing daily tasks more difficult. Joints may stiffen due to arthritis, making movement extremely painful.

Older people may also lose some cognitive ability—the ability to process information, learn, and remember. They may experience slowness in thinking, finding the right words, or identifying objects. Officers should be patient when interviewing elderly people because it may take them longer to explain what they saw or experienced.

Some elderly people suffer from chronic medical conditions, such as dementia or Alzheimer's disease, that result in residual (partial) disabilities requiring long-term management or care. **Dementia** is an organic, progressive mental disorder characterized by a loss of memory, an impairment of judgment and abstract thinking, and changes in personality. The frequently used term "senile" has a negative connotation, and you should avoid using it. These patients experience progressive declines in mental function. Overmedication or drug mixing may create a condition that resembles dementia. Elderly individuals can also experience a variety of mental illnesses, such as schizophrenia and depression, in addition to dementia.

Because of dementia and declining health, many elderly people often wander away from their homes or living facilities. The Silver Alert is a public notification system that assists law enforcement in recovering lost elderly people after family members report them as missing. This is particularly helpful when locating elderly individuals with Alzheimer's, dementia, or other mental illnesses.

The suicide rate among elderly people is significantly higher than that of the general population. Factors that place the elderly at risk for suicide include debilitating physical illnesses (often accompanied by severe pain), the death of a loved one, the loss of independence, and financial inadequacy.

Guidelines for Communicating with the Elderly

As with any other citizen, the way you communicate with elderly people affects their views of law enforcement. Just because a person is elderly does not mean he or she is simple minded.

When communicating with an older person, always treat him or her with dignity, respect, and patience. Speak directly to the person, establish and maintain eye contact, use a conversational tone, and only speak loudly if necessary. Use caution when allowing caregivers to speak on behalf of the elderly person to eliminate any third-party agenda. Include the elderly person in all discussions concerning his or her welfare and adjust your communication based on any disabilities or other limitations.

Available Resources

A variety of health and social services are available to assist elderly people and their families. These services include home-delivered meals, medical care, emotional support, financial management, and assistance with the activities of daily living. The Florida Department of Elder Affairs created a task force to ensure the continued development of strategies to address the needs of people suffering with forms of dementia, such as Alzheimer's disease. Officers should be familiar with the organizations specific to assisting the elderly within their communities.

One important resource is the Florida Elder Help Line at 1-800-96-ELDER. The helpline provides a wide range of information to help older citizens obtain specific local social services. Another resource is the Florida Abuse Registry Hotline at 1-800-96-ABUSE. This hotline is available 24 hours a day to take reports of suspected cases of abuse.

The Department of Children and Families is responsible for the safe placement of abused and neglected elderly and disabled adults. After DCF is contacted in an abuse or neglect case, an agency representative will coordinate with law enforcement to transport the victim to a safe location. The officer should transport or arrange for the transportation of an individual who is being involuntarily committed to a treatment facility, jail, or other appropriate location.

SECTION VOCABULARY

dementia

UNIT 2 | COMMUNICATING IN A DIVERSE SOCIETY

LESSON 7 | Homeless People

OBJECTIVES

- LE802.1.** Describe the current circumstances of homeless people on state and national levels.
- LE802.2.** Identify methods that homeless people use to provide shelter and support systems.
- LE802.3.** Describe the types of crimes associated with homeless people.
- LE802.4.** Describe the possible resources that an officer can provide to a homeless person in lieu of an arrest.

LESSON GOAL: At the end of this lesson, you should understand the issues of the homeless population, how homelessness affects a community, how to interact with the appropriate interpersonal skills, and how to share information about available resources.

The face of homelessness is blurring across the nation as the country deals with an economic recession. In the past, homeless people generally consisted of drug abusers, runaways, and those suffering from mental illness. Due to the recent economic downturn, the homeless population has changed to include more families and working people.

Florida has the third-highest number of people living on its streets or in emergency shelters in our country, according to the Department of Children and Families Council on Homelessness. Nearly 60,000 people live on the streets or in shelters daily. These numbers do not capture the “invisible” homeless, or those who are forced to share housing with others. A one-day count of the homeless in Florida found that 56,000 children and youth were homeless.

Shelter and Support Systems

Homelessness is becoming an increasingly bigger problem for law enforcement agencies and their communities. As the population of homeless people increases, calls for service inevitably increase. These encounters may take place at interstate rest stops, public parks, or homeless camps in rural areas. Homeless people may also be found congregating in downtown areas or sleeping in their vehicles. Some may also occupy vacant buildings or homes without the owner’s permission.

The homeless now include more traditional families who have lost their homes, jobs, resources, and support systems. They are now living on the streets in their vehicles or in transient housing (hotels or motels). Some homeless people come together, forming non-traditional family groups that provide protection, information sharing, advice, and resources for the members within the group.

Crimes Involving the Homeless

Homelessness lends itself to an array of nuisance crimes such as loitering, panhandling, or soliciting. Homeless people may commit thefts, burglaries, or other crimes of opportunity. Homeless individuals can be runaways or be truant from school, littering, urinating in public, or defacing public areas.

The homeless can also become the victims of crime by appearing to be an easy target. Without the security of a home, these individuals can be more vulnerable. It is not

uncommon for crimes against the homeless to go unreported because victims want to avoid contact with the police or lack the motivation to file a complaint.

Law Enforcement Interaction with the Homeless

When interacting with the homeless, you may have opportunities to provide information about services in lieu of making an arrest. Transporting a homeless person to an alternate location such as a faith-based organization with related outreach or shelter services may eliminate the original concern that initially required the officer's attention. This also serves to lessen the burden on the correctional system by averting an arrest. Many communities have established programs and tent cities for the homeless in effort to centralize services and offer safer locations for them to congregate in. Become familiar with your local resources, including shelters and social programs provided through a crisis intervention team (CIT).

UNIT 2 | COMMUNICATING IN A DIVERSE SOCIETY

LESSON 8 | Mental Illness

LESSON GOAL: At the end of this lesson, you should be able to recognize the characteristics of mental illness and know the methods for interacting appropriately when encountering a person suspected of having mental illness.

As defined by Florida Statutes, **mental illness** is an impairment of the mental or emotional processes that exercise the conscious control of one's actions. Mental illness impairs one's ability to perceive or understand reality. See s. 394.455(18), F.S.

Mental illness is not directly related to intelligence and occurs in people of all intellectual abilities. It does not necessarily interfere with intellectual abilities, but it requires psychiatric evaluation and treatment. Mental illness may be temporary and often occurs in early adulthood (late teens, early 20s) or middle adulthood (late 30s, early 40s), depending on the illness. In contrast with developmental disabilities, mental illness can be cured, managed, or treated with counseling or medication, depending on the type of illness. People who suffer from a mental illness may never be seen by a mental health professional or may never have a diagnosis until a significant incident or crisis occurs.

OBJECTIVES

- LE784.2.** Contrast between mental illness, intelligence, and developmental disabilities.
- LE784.3.** Describe the characteristics of a person with a thought disorder.
- LE784.4.** Describe the characteristics of a person with a mood disorder.
- LE784.5.** Describe the characteristics of a person with an anxiety disorder.
- LE784.6.** Describe the characteristics of a person with a personality disorder.
- LE784.7.** Describe reasons why an individual with mental illness may discontinue or reduce medication dosages.

A person with a mental illness may have a thought, mood, anxiety, and/or personality disorder. It is common for an individual to have a combination of disorders.

Thought Disorders

You might observe the symptoms of a thought disorder by listening to what the person is saying and noticing that the person's thoughts seem disorganized and not logically connected. You might also notice that the person reports hearing or seeing things that are not present or are not real. This person is suffering from hallucinations. A **hallucination** is a sensory experience in which a person can see, hear, smell, taste, or feel something that is not there.

A **delusion** is a false belief that is firmly held in spite of obvious proof or evidence to the contrary; the delusion is this person's reality. For example a delusional individual could believe that he or she is someone famous or is being followed by the CIA.

Schizophrenia is a brain disorder caused by a chemical imbalance that distorts the way a person thinks, acts, expresses emotion, and perceives reality. Schizophrenic people are out of touch with reality and may exhibit strange or shocking behaviors. They may have sudden changes in their behaviors and personalities when they lose touch with reality during a psychotic episode.

Mood Disorders

Major depressive disorder (MDD) and bipolar disorder (BD) are two of the most common mood disorders that an officer may encounter. Officers may also encounter people with substance-induced mood disorders from drug and alcohol abuse.

MDD is different from the brief, situational depressive episodes that most people commonly experience with the loss of a loved one, the loss of a job, or financial loss. The term "major depressive" refers to a clinically diagnosed mental illness for someone having multiple, major depressive episodes. Symptoms may be severe, can last for several weeks, and do not include periods of persistent high moods (mania). You may notice the person is profoundly sad, crying uncontrollably, unable to concentrate, says that he or she cannot eat or sleep, or is suicidal.

Alternating episodes of depression and mania are the main characteristics of bipolar disorder (formerly known as manic-depressive illness). Mania is the opposite of depression. Usually, people with mania have previously experienced one or more episodes of major depression. A person in a manic episode feels charged up, high, or excitable. Symptoms of a manic episode include loud, quick, uninterrupted speech, "racing" thoughts, fidgeting, and hyperactivity. Such a person is easily distracted or may have an exaggerated sense of self, powers, and abilities.

Anxiety Disorders

Anxiety disorders can range in intensity from mild to debilitating. Some people with anxiety disorders can have panic attacks that are so severe that they mimic a heart attack. During a panic attack, the person will likely experience rapid heartbeat, chest discomfort, sweating, tension, trembling, choking, and a feeling that something terrible is about to happen. The characteristics of an anxiety disorder include excessive nervousness, tension, apprehension, "fight or flight" behavior, excessive fear or anticipation of imminent danger, flashbacks, or ritualistic behavior such as excessive hand washing.

The most common types of anxiety disorders include:

- **panic disorder:** a person who has a panic disorder can experience an extreme panic attack with a racing heartbeat, sweating, tension, and a feeling that something terrible is about to happen. This panic attack could be accompanied by chest pain or discomfort, sweating, trembling, choking, or a feeling that one is going to die.
- **obsessive-compulsive disorder (OCD):** People who have OCD have intrusive thoughts and impulses resulting in ritualistic behavior, such as an excessive need to count, excessively wash their hands, or an extreme need to avoid dirt.
- **Post-traumatic stress disorder (PTSD):** caused by a traumatic event such as war, natural disaster, sexual or physical assault, or the unexpected death of a loved one, it is characterized by lasting thoughts and memories of terror causing emotional numbness. The person suffering from PTSD may not have had the traumatic experience, but may have witnessed it or been affected by another's trauma.
- **phobias:** an intense fear of a specific object or situation, such as a fear of heights, spiders, or leaving home.

Personality Disorders

A *personality disorder* is a deeply ingrained, non-psychotic, inflexible pattern of relating, perceiving, and behaving. It is serious enough to cause distress to the people around the individual with a personality disorder. Depending on the specific disorder, an individual may display anxious, fearful, dramatic, emotional, or erratic behavior and impaired functioning (such as difficulties with jobs or socializing). There are three main types of personality disorders that officers may come in contact with: antisocial, narcissistic, and borderline.

A person with antisocial personality disorder has a lifelong pattern of behavior that violates rules, social norms, and the rights of others. These individuals also seem to lack the capacity for empathy, guilt, and remorse. They will lie and exploit for personal gain and pleasure, have no regard for right or wrong, and are unnecessary risk takers. People with an antisocial personality disorder are often child abusers, pedophiles, rapists, or gang members, and are homicidal. There is limited effective medical or psychological treatment for this personality disorder.

A person with narcissistic personality disorder is an individual with an inflated sense of importance, a need for admiration, or a desire to be feared or notorious. Characteristics are dramatic emotional behaviors, difficulties with relationships, a lack of empathy for others, and being aggressive when challenged. There are no medications to treat narcissistic personality disorder, only psychotherapy.

People with borderline personality disorder are significantly emotionally unstable, and are usually aware of their behavior, but lack the ability to control it. These people often experience rapid and intense mood swings that typically involve angry, erratic, self-destructive, and impulsive behavior toward themselves and others. People who have a borderline personality disorder are often gamblers and risk takers and display inappropriate anger that escalates into physical fights and domestic violence incidents. Treatment is primarily psychotherapy; however, there are medications that can help manage co-occurring problems such as anxiety, depression, and impulsiveness.

SECTION VOCABULARY*delusion**hallucination**mental illness**personality disorder*

Encountering Individuals with Mental Illnesses

Officers interacting with individuals who display any of these symptoms of having a mental illness should ask them if they have been diagnosed with a mental illness. Ask if they are taking any medications, prescribed or illicit, and whether they are taking the appropriate dosage. If the person is experiencing auditory or visual hallucinations, ask them what they are hearing or seeing.

Some medical conditions and the effects of certain substances mimic mental illness symptoms. People with mental illnesses who stop taking their medications or are overmedicated will also be symptomatic. Medications help people with mental illnesses manage their symptoms, much like insulin helps a diabetic person manage their diabetes. When taken as prescribed, medications benefit people experiencing symptoms of mental illness.

People stop taking their medications for several reasons. They are “feeling better” and believe they no longer need it. They experience intolerable side effects that outweigh the benefits of the medication. They may also lack the money necessary to get the prescriptions filled, the transportation to get the medications, or the support of family and friends. Previous experiences may cause them to distrust the mental health care system, or they may be misinformed about the benefits of the medication. Also, people may feel that the medication is somehow harmful.

UNIT 2 | COMMUNICATING IN A DIVERSE SOCIETY

LESSON 9 | Substance Abuse

LESSON GOAL: At the end of this lesson, you should be able to recognize the behavioral characteristics associated with substance use, abuse, and dependence and the conditions that mimic drug and/or alcohol use that require immediate medical attention.

Substance Use vs. Substance Abuse

Substance use can include having a casual drink with friends, taking a prescribed drug according to label directions, or taking aspirin daily to prevent heart disease. It can be legal or illegal, therapeutic or recreational and can lead to substance abuse.

Substance abuse is the continued misuse of substances that negatively affect the mind and body. Substance abuse adversely affects an individual's social or occupational life and psychological or physical health. Some examples of substance abuse include misusing prescribed medication, binge drinking, sniffing or inhaling glue, using cocaine, or smoking marijuana. For individuals with addictive personalities, substance abuse can quickly lead to dependence and addiction.

Illnesses that Mimic Substance Abuse

Some illnesses and medical conditions have symptoms that mimic characteristics of substance abuse. A person in diabetic shock may stagger and appear drunk; a diabetic coma may cause a person's breath to smell sweet, like a fruity alcoholic drink. An individual experiencing an epileptic episode can appear as if in a drunken stupor or confused state; during a severe episode, the individual can become violent for brief periods of time. High blood pressure can sometimes cause people to become temporarily irrational. A head injury may cause confusion and belligerence. People suffering from a stroke may appear dizzy and confused and may vomit or lose consciousness. Parkinson's disease can cause shaking, slurred speech, and the appearance of intoxication. Cerebral palsy and Wernicke syndrome can cause sufferers to appear confused and have faulty muscular coordination or paralysis of the eye muscles. People with degenerative diseases such as Alzheimer's and dementia may stagger, act inappropriately, be forgetful, or wander aimlessly. Psychiatric disorders often cause people to behave unpredictably and experience sensory hallucinations such as sounds, physical sensations, or visions that can mimic the symptoms of substance abuse.

The Cycle of Substance Abuse

Substance abuse is one of America's leading health and social problems that will affect the community you serve. It starts with a person having pain or discomfort, either mentally or physically, and continues when that person is offered a substance to temporarily relieve the discomfort. The next time the discomfort occurs, the person seeks that same

OBJECTIVES

LE790.1. Differentiate between substance use and substance abuse.

LE790.2. Identify symptoms of illnesses that can resemble substance abuse.

LE790.3. Describe the cycle of substance abuse and how substance abuse becomes an addiction.

LE790.4. Describe the purpose and requirements of a drug treatment diversion program.

SECTION VOCABULARY

addiction

detoxification

drug tolerance

overdose

physical dependence

psychological dependence

substance abuse

substance dependence

substance use

withdrawal

substance to cope because it worked previously. The cycle continues and the person turns to the substance more and more to get along in life. Tolerance builds and more of the same substance is needed to feel good, creating a dependency.

Drug tolerance occurs when a person needs to increase the dosage of the drug to produce the same effect as the initial dosage. Drug tolerance often leads to substance dependence.

Substance dependence is the compulsive abuse of substances. The abuser has no choice but to continue to consume the substance because of uncontrollable physical or psychological addiction. The need to obtain and abuse the substance by any means necessary becomes the constant focus of a person's life. Factors that can contribute to substance dependency include problems with relationships, career, finances, health, safety, and a family history of substance abuse. The elderly may take many prescribed medicines throughout the day and may accidentally abuse or misuse medication, creating a dependency issue.

Psychological dependence occurs when a person feels that he or she needs drugs to cope with problems, function better in life, or feel happier. Psychological dependence can lead to a physical addiction.

Physical dependence occurs when a person is chemically and physically dependent upon the substance to maintain normal functioning, not just of the central nervous system, but of all systems.

Addiction is a state of physical and/or psychological dependence on a substance. When use of the substance is discontinued, withdrawal occurs.

Withdrawal refers to the physical and mental symptoms that occur after chronic use of a drug is reduced or stopped. Symptoms vary depending on the drug but can include agitation, confusion, cramps, sweating, and convulsions. In extreme cases, withdrawal symptoms, if not managed appropriately, can lead to death.

Detoxification is the process of allowing the body to rid itself of a drug while managing the symptoms of withdrawal. It is often the first step in a drug treatment program.

Overdose is the accidental or intentional use of a dangerously large amount of a substance that leads to death.

Drug Treatment

Some jurisdictions offer drug treatment court programs as a choice for individuals whose criminal charges are the result of substance abuse. In exchange for successfully completing the treatment program, the court may dismiss the original drug charge, reduce or set aside a sentence, propose a lesser penalty, or offer a combination of the above.

Drug treatment court programs offer an opportunity for substance abusers to participate in an intensive, supervised program. The person must meet the requirements of the program or face sanctions for noncompliance. Criteria for successful completion of the program include consecutive negative drug screens, a substance abuse assessment by a certified addiction counselor, and other coordinated strategies with ongoing judicial interaction.

UNIT 3 | COMMUNICATING IN A CRISIS SITUATION

LESSON 1 | Interacting with People in Crisis

LESSON GOAL: At the end of this lesson, you should be able to respond to a crisis situation using officer safety techniques, identify the types of crises and contributing factors, and determine the appropriate crisis management intervention for resolving the crisis.

While it may not be a frequent occurrence during an officer's daily calls for service, crisis intervention is a hazardous part of law enforcement duties. The correct response to a crisis might require timely intervention, providing effective management of the incident, and referral to appropriate services.

Characteristics of a Crisis Situation

If unmanaged, a conflict can quickly evolve into a crisis situation, requiring intervention by law enforcement. A *crisis* may be a situation that is uncertain, difficult, or painful, especially when a person in crisis feels unprepared and pressured to take action or make a decision. However, a crisis is also defined by the person's perception and response to the event. If the person sees the event as significant and threatening, has used all of their coping strategies without success, and is unaware of or unable to pursue other alternatives, then a state of crisis exists.

A crisis can add stress to an individual's life or to an entire community. There are significant crises that nearly everyone may experience at some point in time: death of a loved one, a serious health issue, financial loss, termination from a job, separation from family and friends, or a major life event. Do not minimize or judge a person's reaction to a situation. You may not perceive the situation as a crisis; however, the person experiencing the crisis may see it as a traumatic event. For example, a traffic stop is a normal everyday occurrence for an officer, but may be stressful for the individual who is stopped.

A crisis may be compounded by economic, personal and social dynamics, psychological factors, and physical issues the person may already be experiencing. A crisis may affect personal self-image and community standing. These factors can be a significant influence to the severity of how the person responds to the crisis. For example, the severity of the crisis created by a job loss will depend on several factors. The person may not have much in savings and prospects of finding another job before the next mortgage and car payments are due may be slim.

The person may consider the job loss to be a personal insult to his or her professional ability or be embarrassed in front of family and friends.

OBJECTIVES

LE629.1. Define a crisis situation.

LE629.2. Describe the factors that can influence the severity of how a person responds to a crisis.

LE629.3. Describe the behavioral characteristics and reactions of a person in crisis.

LE629.4. Describe the behaviors a person can display during the five stages of a crisis.

LE629.5. Determine possible legal outcomes of a crisis situation.

LE629.6. Explain the role of a law enforcement officer during a crisis situation.

Behavioral Characteristics of People in Crisis

A person's sense of well-being can be disrupted during an emergency or other stressful event. If that well-being is not restored quickly, a crisis situation can result. Some people in a crisis may display behavioral characteristics that include anger, cursing, making threats, and shouting. Physical signs can include a flushed face, heavy or rapid breathing, clenching and unclenching of fists, pacing, pointing fingers, tightening the lips, clenching the teeth, or sweating. Others may appear calm. The effect of the crisis and stress may cause a diminished capacity for thinking and decision making.

Stages of a Crisis

Recognition Stage

In the recognition stage, the person realizes he or she is unable to cope with the situation. Life is out of control, emotions are high, and reasoning ability is low. Emotions may range from anger to rage, from fear to panic, all leading to confusion.

Attempted Resolution Stage

In the attempted resolution stage, the person struggles to resolve the situation using methods that worked in a previous similar situation. However, these methods may not always work in every situation. The person's failure to resolve the problem leads to the emotional blockage stage of crisis response.

Emotional Blockage Stage

In this stage, the person is unable to solve the crisis and is overwhelmed by emotions. The individual cannot cope with the situation rationally. The inability to cope combined with the loss of problem-solving skills leads to diminished self-esteem. A downward cycle begins in which failure to cope lowers self-esteem, and lowered self-esteem interferes with the ability to cope.

Accommodation Stage

During the accommodation stage, the person in crisis is open to suggestions and is willing to try new options. He or she may begin to explain what the situation personally means and may begin to find answers.

Resolution Stage

A solution is achieved.

There are several options available to you when determining how to handle a person in crisis. Observe the individual's behavior prior to taking any legal action, such as arrest, or using the Baker Act or Marchman Act (both of which will be discussed in greater detail in a few lessons). It may be necessary to use a crisis intervention team (CIT). Not every instance requires action. Some crises can be resolved through effective communication.

The Role of Law Enforcement in Crisis Intervention

Crisis intervention is one of the most important duties of law enforcement officers. A person in crisis might not have any help outside of what is provided by law enforcement. Each intervention is important to the person in crisis, to his or her family, and to the community.

Officers are sworn to protect all citizens, and this obligation includes providing help during crisis situations such as domestic disturbances. Social service agencies are not qualified to enter extreme crisis situations; officers must respond to these incidents. Law enforcement is often the first responder to individuals in crisis. During a crisis situation, you have the duty to recognize, respond, and intervene safely, professionally, and effectively. You may need to interact with community agencies to manage and resolve conflicts, and make referrals to the appropriate agencies.

Your goal during a crisis situation is to ensure the safety of all parties involved, provide assistance to the person or people in distress, act on any law violations, and document the incident if appropriate. If it is necessary to provide a referral, conduct a follow-up with those involved in the crisis to determine if the intervention was effective. Ask the person if the services offered were utilized or helpful. This follow-up can help establish rapport with the individuals, which may be useful for future encounters.

SECTION VOCABULARY

crisis

UNIT 3 | COMMUNICATING IN A CRISIS SITUATION

LESSON 2 | Suicide Situations

LESSON GOAL: At the end of this lesson, you should be able to recognize the indicators of suicide, identify effective officer safety techniques for responding to an individual at risk for suicide, and provide appropriate referrals.

Indicators of Suicide Risk

A person is at a high risk for suicide when he or she talks about committing suicide, attempts self-injury, or has formulated or indicated a suicide plan. The behavior of a suicidal person can range from calm to violent. Most attempts do not result in death and are often a cry for help.

An individual contemplating suicide may despair over the loss of a loved one, be depressed by life stressors, lack interest in daily activities, or feel the future is hopeless. People's changes in behavior may lead to actions such as giving away personal belongings, lacking an interest in eating, and participating in self-destructive behaviors such as drinking heavily, using drugs, or cutting their bodies.

OBJECTIVES

LE788.1. Identify characteristics of an individual who is at a high risk for suicide.

LE788.2. Describe how to communicate with a suicidal person as part of the intervention process.

Suicide is a leading cause of death among juveniles. Officers dealing with young adults should be attentive to suicidal indicators such as depression, obsessive talk about death, or intentional self-injury. Be aware of the increased violent tendencies of those contemplating suicide and use appropriate caution.

Interacting with Individuals at Risk for Suicide

Communicating with a suicidal person is a vital part of the intervention process. Try to establish rapport and keep the person talking. Listen carefully to what the person is saying and how they are saying it. Show support, empathy, and interest by talking directly to the person without being judgmental. Convey patience, reassurance, and hope. By carefully listening to the suicidal person, you can learn how serious and immediate the suicide threat is, and possibly what method the person plans to use. By observing the person's body language, you may become aware of his or her motivation for suicide and willingness to accept intervention.

UNIT 3 | COMMUNICATING IN A CRISIS SITUATION

LESSON 3 | The Baker Act

LESSON GOAL: At the end of this lesson, you should be able to understand the criteria for determining what legal action should be taken when dealing with an individual who may be in need of services provided by the Baker Act.

Voluntary Psychiatric Examination

A **voluntary examination** is the decision by an individual to willingly seek a psychiatric evaluation for symptoms that may be due to mental illness. If an individual is willing to seek treatment, the officer should ask the individual to submit to a voluntary examination. The individual must be competent, able to make the decision, and be at least 18 years of age.

OBJECTIVES

LE784.8. Determine if the individual should be released, arrested, or referred for a voluntary or involuntary psychiatric evaluation during an incident involving a person with mental illness.

Involuntary Psychiatric Examination/ The Baker Act

The **Baker Act** provides individuals who have a mental illness, or who may harm or neglect themselves or others, with an emergency service and temporary detention for psychiatric evaluation and voluntary or involuntary short-term community inpatient treatment. Avoid using the Baker Act to deal with difficult individuals, as it may limit the services they may be receiving. The Baker Act is applicable to juveniles as well as adults.

Criteria for a Baker Act/Involuntary Psychiatric Examination Response (s. 394.463, F.S.):

A person may be taken to a receiving facility for involuntary examination if there is reason to believe that the individual has a mental illness and because of his or her mental illness, the person:

1. has refused voluntary examination after receiving a thorough explanation and disclosure of the purpose of the examination; or
2. is unable to determine for him- or herself whether examination is necessary; **and**
3. without care or treatment, the person is likely to suffer from neglect or refuses to care for him- or herself; such neglect or refusal poses a real and present threat of substantial harm to his or her well-being; and it is not apparent that such harm may be avoided through the help of willing family members or friends or the provision of other services; or
4. there is a substantial likelihood that without care or treatment the person will cause serious bodily harm to him- or herself or others in the near future, as evidenced by recent behavior.

SECTION VOCABULARY

Baker Act

ex parte order

voluntary examination

The Baker Act provides for several options for initiating a mental health evaluation, including:

- the subject volunteers to receive treatment, or
- the court can be petitioned for an **ex parte order** (a court order issued and signed by a judge that is initiated by one person in the absence of and without representation or notification of other parties) as per s. 394.463(2)(a)1, F.S., or
- the officer takes the subject into custody, initiating an involuntary admission, and transports the subject to the nearest receiving facility for a mental health evaluation (as per s. 394.463 (2)(a)2, F.S.), or
- the execution of a certificate by a physician, clinical psychologist, psychiatric nurse, mental health counselor, marriage and family therapist, or clinical social worker stating that the subject meets the criteria for a Baker Act (s. 394.463(2.15)(a)3, F.S.)

The individual must be examined within 72 hours of arriving at a receiving facility. If that examination does not determine that the person meets the criteria for involuntary treatment under the Baker Act, the person must be released unless he or she consents to voluntary treatment. A receiving facility may be any public or private facility designated by the Department of Children and Families to provide short-term treatment to involuntary patients and to receive and hold them under emergency conditions or for psychiatric evaluation.

Information such as how the person interacts with you and with other people on the scene will help you determine if taking the person into custody is the appropriate course of action. When determining this, consider whether the person has a residence, or stable housing, and an established support system within the community.

UNIT 3 | COMMUNICATING IN A CRISIS SITUATION

LESSON 4 | The Marchman Act

LESSON GOAL: At the end of this lesson, you should be able to understand the criteria for determining what legal action should be taken when dealing with an individual who may be in need of services provided by the Marchman Act.

The Marchman Act

The **Marchman Act** (chapter 397, F.S.) provides substance abusers access to emergency services and temporary detention on either a voluntarily or involuntarily basis. A voluntary admission is when a person decides to enter a treatment facility for substance abuse and seeks services directly from the provider.

Criteria for the involuntary admission under the Marchman Act (s. 397.675, F.S.):

A person may be taken to a receiving facility for involuntary admission for alcohol or substance abuse if that person:

- 1) has lost the power of self-control because of substance abuse, and either
 - 2a. has inflicted, attempted or threatened to inflict or, unless admitted, is likely to inflict physical harm on himself, herself, or another, or
 - 2b. is in need of substance abuse services; his or her judgment has been so impaired that they are incapable of appreciating the need for services and of making a rational decision regarding the need for services.

The Marchman Act provides several options for an officer to take a person into protective custody or deliver them to a treatment facility. These options may include:

- the substance abuser volunteering to receive treatment, or
- the court being petitioned for an *ex parte* order (s. 397.695, F.S.), or
- the officer taking the impaired person into protective custody or initiating an involuntary admission for alcohol or substance abuse.

The individual's mere refusal to receive such services does not mean that person lacks judgment for the need of services.

OBJECTIVES

LE790.5. Determine if the individual should be released, arrested, or referred for voluntary or involuntary substance abuse services during an incident involving an individual who is a substance abuser.

SECTION VOCABULARY

Marchman Act

UNIT 4 | IDENTIFYING HIGH RISK GROUPS

LESSON 1 | Criminal Gangs

OBJECTIVES

- LE682.1.** Define criminal street gang according to s. 874.03, F.S.
- LE682.2.** List gang member criteria according to the Florida Statutes.
- LE682.3.** List types of criminal activities involving gangs.
- LE682.4.** Explain some reasons why juveniles join gangs.
- LE682.5.** Describe common initiation rituals of becoming a gang member.
- LE682.6.** Identify common types of gangs operating in Florida.
- LE682.7.** Describe different levels of criminal gang commitment.
- LE682.8.** Describe the symbols and identifiers of gangs known to exist in Florida.
- LE682.9.** Explain possible officer safety issues when interacting with criminal gangs.
- LE682.10.** Explain the importance of documenting known or suspected criminal gang activity.

LESSON GOAL: At the end of this lesson, you will have an understanding of the statutory classification of criminal gangs, members, and associates. You will also know the various types of criminal gangs, their identifiers, and the importance of documenting gang activity.

Gangs

One of the most dangerous population groups that a law enforcement officer may encounter is a criminal street gang. The expansion of these groups and their violence and criminal activity has made gangs a national problem. Florida Statutes defines a **criminal street gang** as follows:

- (1) "Criminal gang" means a formal or informal ongoing organization, association, or group that has as one of its primary activities the commission of criminal or delinquent acts, and that consists of three or more persons who have a common name or common identifying signs, colors, or symbols, including, but not limited to, terrorist organizations and hate groups. (according to s. 874.03, F.S.)

Gang Member Criteria

A **criminal street gang member** is defined as a person who meets two or more of the following criteria as per s. 874.03 (3), F.S.

A **criminal street gang associate** is defined as a person who meets one of the following criteria as per s. 874.03 (3), F.S.:

- a) Admits to criminal gang membership.
- b) Is identified as a criminal gang member by a parent or guardian.
- c) Is identified as a criminal gang member by a documented reliable informant.
- d) Adopts the style of dress of a criminal gang.
- e) Adopts the use of a hand sign identified as used by a criminal gang.
- f) Has a tattoo identified as used by a criminal gang.
- g) Associates with one or more known criminal gang members.
- h) Is identified as a criminal gang member by an informant of previously untested reliability and such identification is corroborated by independent information.
- i) Is identified as a criminal gang member by physical evidence.

- j) Has been observed in the company of one or more known criminal gang members four or more times. Observation in a custodial setting requires a willful association. It is the intent of the Florida Legislature to allow this criterion to be used to identify gang members who recruit and organize in jails, prisons, and other detention settings.
- k) Has authored any communication indicating responsibility for the commission of any crime by the criminal gang.

Criminal Activities Involving Gangs

The qualities of criminal intent and organized criminal activities separate street gangs from other associations. Criminal gang activity may include theft, burglary, fraud, narcotics manufacturing and distribution, assault and battery, racketeering, witness intimidation, extortion, arson, weapons and explosives, counterfeiting, and homicide. Typically, violent crime associated with gangs is attributed to hostility between rival gangs. As a result of this rival violence, members of the public are often caught in the middle and become victims.

Why Juveniles Join Gangs

Insight into why juveniles join gangs can assist in the identification of potential gang members and aid in early intervention and crime prevention. Florida gangs are overwhelmingly populated by young males between the ages of 13 and 23. Gang members are often products of child abuse or neglect and come from a disadvantaged socio-economic background. Often, gang members are school dropouts, unemployed, and frequently in trouble with law enforcement. Juveniles join gangs for a variety of reasons, including:

- **Psychological needs:** Gangs provide love, brotherhood, and compassion which are very often lacking in a child's life. This attention is often the only affection the child will receive and is very powerful in forging a strong bond between the child and his or her fellow gang members. Gangs also provide the discipline and leadership (however twisted) needed in this stage of a child's life.
- **Security:** The gang provides protection from enemies, either real or imagined. Peer pressure and intimidation from a dominant gang often influences juveniles, so juveniles may join gangs to protect themselves.
- **Social acceptance:** A gang provides the youth who have trouble making friends with someone to "hang out" with. Joining a gang can provide members with role models and a sense of identity.
- **Self-esteem:** Gangs typically recruit youths who have low self-esteem or are bullied by others. The gang provides "backup" for these kids and protects them from further harassment.
- **Fame:** Gang membership provides the youth with an outlaw image and substantial amounts of money, providing a sense of power and prestige.

Initiation

Most gangs require new members to prove their loyalty to the gang and solidify their membership through an initiation process. The following are common rituals involved in initiation.

Beat-in: multiple members of the gang assault the prospective member for a predetermined length of time.

Bless-in: requires very little from the prospect. The prospect is blessed into the gang due to a family member being a high ranking or well-respected member of the gang. For example, if a member of the Latin Kings has a child, that child is automatically a Baby King at birth.

Sex-in: the gang prospect must have sex with one or more members of the gang. Usually this involves female gang prospects.

Test of heart: sometimes called “mission” or “work,” the test of heart requires the gang prospect to commit a criminal act such as a drive-by shooting, assault or battery, robbery, graffiti, or burglary.

Gang Types

Hundreds of independent criminal street gangs have been identified from Pensacola to the Florida Keys. They operate in small rural towns, upper-middle class neighborhoods, schools, and other areas. Gangs vary by type and may fall into one or more of the following categories: traditional, non-traditional, and transitional gangs.

Traditional

Traditional gangs have a documented history, a written set of laws or codes, and can have an organizational structure. These gangs often have a leadership structure (implicit or explicit), codes of conduct, colors, special dress, signs, and symbols. A traditional gang may vary in characteristics of age, gender, community, ethnicity, or generation, as well as in the scope and nature of its criminal activities.

Traditional gangs will generally fall under one of the following umbrellas:

- **Folk Nation gangs:** Crips, Gangster Disciples, Sur 13 “Sureños”
- **People Nation gangs:** Bloods, Latin Kings, Norte 13 “Nortenos”
- **Outlaw motorcycle gangs (OMGs):** Hells Angels, The Outlaws, Bandidos
- **Prison gangs:** Mexican Mafia, Aryan Brotherhood, Texas Syndicate

Non-Traditional/Hybrid

Non-traditional gangs can be without laws or codes but still have an organizational structure. Some examples include Haitian gangs, Jamaican Posse, and Asian Pride.

Hybrid gangs form within schools, neighborhoods, or regions, and in youthful offender, juvenile, and adult correctional facilities. These gangs can be composed of members from other gangs uniting to form a group. Hybrid gangs can also be composed of individuals who are loosely organized. Their activities can be limited to specific geographic areas or neighborhoods. Examples include 704 (or local area codes), Zoe Mafia, and Guatemalans Taking Over (GTO).

Transitional

Transitional gang members are individuals or a group of gang members that come to prison and realign themselves with traditional and non-traditional gangs. For example, members of Sur-13 seek to become members of the Mexican Mafia once they enter the prison system. Hybrid members are also recruited by larger, traditional gangs. Inside of a correctional facility, these types of gangs are called security threat groups.

Types of Commitment

The general types of commitment within gangs can be divided into the following categories; however, they do not always follow this progression:

- **Gonnabe:** aspires to become gang members. Not yet accepted, they experiment with the gang lifestyle. Gonnabes attempt to prove themselves and gain acceptance; therefore, they may be more likely to act violently.
- **Associates:** not officially gang members but are accepted to some degree. They participate on a limited basis in the gang's social and criminal activities.
- **Prospect:** prospective members who are generally accepted by the gang. They are participating in a probationary period with hopes of becoming full-fledged members.
- **Members:** initiated members who usually participate in the gang's social and criminal activities. They tend to back up hard-core members, who are members fully committed to gang life. Very influential in the gang, they are often leaders who determine the gang's activities and establish its level of violence.

Gang Identifiers

Gang members identify themselves and promote gang solidarity through the use of the following identifiers: graffiti and tagging, tattoos, hand signs, clothing, and colors. These identifiers have special significance to each gang, and members go to great lengths to protect them from degradation by rival gangs. Officers should become familiar with gang identifiers and activities in their patrol area.

Tagging (graffiti) is defined as writing or drawings that have been scribbled, scratched, or sprayed illicitly on a wall or other surface in a public area. Tagging is often used by gangs to stake out or declare their presence in a given area, or state their opposition to another gang. Tagging may be one of the first indicators of gang presence that an officer observes. Identifiers or icons often appear in combination. For example, you may see a star and a crown, which may reveal both the person's alliance and the specific gang to which the individual belongs.

Tattoos are used to show commitment to a gang. They identify a member of a particular gang, symbolize that person's membership, record acts of violence, make a statement, or honor a fallen gang member.

Hand signs are made by forming letters or numbers with hands and fingers to communicate gang affiliation and to challenge rival gangs. Hand signs, when used in a particular order, can be used as a form of communication, commonly referred to as throwing or stacking. Hand signals or graffiti put in a certain direction, such as upside down or sideways, denotes a sign of disrespect.

Clothing and jewelry can be worn as an additional outward display of gang affiliation. The manner in which members wear their clothes, as well as the colors and numbers represented on the clothing, are used as gang identifiers. The following are examples of how clothing is used to represent gang membership:

- wearing hats cocked or tilted to the left or right
- rolling up one pant leg
- untying one shoe
- resting a hand in a specific pocket

- wearing jewelry turned at an angle
- color association (black/brown, blue/red, etc.)
- color of shoelaces and suspenders

Colors have specific meanings to gang members and are part of a gang's ideology. Colors can represent the individual gang or the member's position within the gang. For instance, Skinheads may wear yellow shoelaces and identify themselves as "cop killers." Music also is used as an expression of gang ideology and a form of communication.

Gangs who fall under the People Nation and Folk Nation umbrellas use similar symbols. The following are examples of some of the most common identifiers for each gang set.

People Nation gang members may use symbols such as the number five, a five-pointed crown, a five-pointed star, a rabbit with straight ears, pitchforks pointed down, an inverted number six, and left identifiers (such as forming hand signs with the left hand, wearing hats to the left, or rolling up the left pant leg). Bloods identify with the color red. Latin Kings identify with the colors black and gold. People Nation members wear clothing affiliated with some of the following professional sports teams: Atlanta Falcons, Chicago Bulls, Pittsburgh Pirates, and New Orleans Saints.

Folk Nation gang members may use symbols such as the number six, a six-pointed star, pitchforks pointed up, a rabbit with bent ear, a winged heart, an inverted number five, a devil's tail, and right identifiers (such as wearing articles of clothing to the right or rolling up the right pant leg).

Crips and Sur-13 identify with the color blue. Folk Nation members wear clothing affiliated with some of the following professional sports teams: Detroit Tigers, Kansas City Royals, Los Angeles Raiders, and Orlando Magic.

OMGs (outlaw motorcycle gangs) identify themselves differently than other criminal gangs. Typically, OMG members will wear patches to identify their membership and gang affiliation. Members wear what is referred to as a cut or colors, which is a vest or jacket that bears their gang patch. These patches may include a "rocker panel" which refers to the member's chapter. The patches may also refer to the member's status in the gang. For instance, members may wear patches that say "president" or "sergeant at arms." Some OMGs refer to themselves as "1 Percenters" (1%), referring to the 1% of motorcycle gangs who break the law. The type, color, or style of motorcycle may also indicate OMG affiliation.

Officer Safety Considerations

Officers should use extreme caution when dealing with gang members. Gangs, historically, have no respect for authority, and they typically do not honor the same rules and laws which govern society. If possible, gang members should not be allowed to use hand signs while in the presence of officers. Gang members have been known to use hand signs to silently communicate with other gang members to launch attacks against law enforcement. Some gang members may have military or law enforcement training. As a result, they may have advanced knowledge of and training with combat and weapons tactics.

Documentation

Documentation of gang activity is extremely important. Through documentation, a potential gang member can be statutorily identified as a gang member. This identification can then be used in prosecutions to enhance penalties. When officers make contact with gang members, or suspected gang members, officers are encouraged to photograph the member. Photograph the member's clothing, tattoos, and any other observable identifiers. Many members are proud of their gang affiliation and will often pose for photographs while showing hand signs. Interview the member in an attempt to obtain gang intelligence. All information obtained from the member should be documented per agency policies and procedures.

Closely monitoring graffiti and tagging also helps officers keep track of gang conflicts and what gangs are present. Documenting these activities can aid in developing a roster of gang members. If officers find graffiti in their patrol area, they should photograph it and report the information. Graffiti must be painted over or quickly removed. If not, others are likely to be encouraged to add graffiti of their own, and the effect will multiply.

SECTION VOCABULARY

associates

beat-in

bless-in

criminal street gang

criminal street gang associate

criminal street gang member

gonnabe

hybrid gangs

member

non-traditional gangs

prospect

sex-in

tagging

test of heart

traditional gangs

transitional gang members

UNIT 4 | IDENTIFYING HIGH RISK GROUPS

LESSON 2 | Extremist Groups

OBJECTIVES

- LE824.1.** Identify the characteristics of extremist groups.
- LE824.2.** Describe domestic terrorism by reviewing sub-groups and beliefs.
- LE824.3.** Describe international terrorism by reviewing sub-groups and beliefs.
- LE824.4.** Identify the characteristics of sovereign citizens.
- LE824.5.** List the indicators of sovereign citizens that an officer may encounter while on patrol.
- LE824.6.** Identify the ideology and characteristics of militias.

LESSON GOAL: At the end of this lesson, you will be able to define extremist groups and have an understanding of the various types of extremist groups and their members and associates. You will also know the importance of identifying and documenting extremist group activity.

An **extremist group** or terrorist group is a formal or informal association of individuals acting in concert or independently to advocate violence and the illegal disruption of the lawful activities of others. Extremist groups are either domestic or international.

According to the FBI, simply espousing anti-government rhetoric is not against the law. However, seeking to advance that ideology through force or violence is illegal.

Extremist Groups

Domestic Terrorism

Domestic terrorism is terrorist activity conducted by a group or by individuals who are U.S. citizens operating within the U.S. or its territories. Domestic extremist groups are divided into sub-groups, depending on their motivations. Right-wing extremist groups typically believe in racial supremacy and embrace anti-government and anti-regulatory beliefs. Left-wing groups generally profess a revolutionary socialist doctrine and view themselves as protectors of the people against capitalism and imperialism. These groups aim to change the United States by creating revolutionary movements. Examples of domestic terrorism groups may include Aryan Nation, Black Liberation Army, and the Ku Klux Klan. Examples of individual domestic terrorists include Timothy McVeigh and Ted Kaczynski (A.K.A. the Unabomber).

International Terrorism

International terrorism involves violent criminal acts intended to coerce or intimidate civilians or influence government policy. The primary objective of these groups is to plan and implement large-scale, high-profile, high-casualty attacks against U.S. residents and interests as well as those of its allies worldwide. Lack of a formal structure makes identifying members difficult, although formalized terrorist organizations are autonomous and have their own infrastructures, financial arrangements, and training facilities.

These groups are divided into three sub-groups: the international Islamic Jihad Movement, formalized terrorist organizations, and state-sponsored terrorist groups. Examples of international terrorist groups include al-Qaeda, Hamas, Taliban, and Hezbollah.

Sovereign Citizens

The sovereign citizen movement consists of a subculture of society that holds anti-government beliefs. Followers of the sovereign citizen movement either participate individually or in groups. The largest sovereign citizen group in the nation is the Moorish Nation and their spinoffs, Moorish Temple, Moorish Science Temple, and Mu'ur. Those who follow the sovereign ideology believe, as sovereign citizens, that they are subject only to "common law." They feel they are free from the taxes, regulations, and statutes established by what they believe to be an illegitimate government.

Many believers attempt to establish their sovereignty by filing legal documents to renounce their citizenship, return Social Security cards, and cancel birth certificates. Sovereign citizens may engage in criminal activities related to defrauding banks, credit institutions, and the U.S. government.

Sovereign citizens are known for clogging the courts with a multitude of filings consisting of hundreds of documents containing unintelligible language, known as ***paper terrorism***. If provoked by government officials, sovereign citizens often retaliate by filing nuisance property liens, frivolous lawsuits, and false income reports. These tactics can wreak havoc upon the recipients by damaging their credit or creating legal difficulties requiring the assistance of an attorney. For example, if a sovereign citizen is issued a traffic citation, he or she may then retaliate by filing false IRS reports using the officer's identity. To protect government employees from paper terrorism, s. 817.535, F.S., prohibits sovereign citizens from filing false documents.

Although sovereign citizens tend to fight the government through nuisance legal tactics, they may also become extremely violent. Sovereign citizens can be especially dangerous to officers during traffic stops. These individuals may ambush an officer after distracting him or her with confusing documents and animated arguments for sovereignty status.

Sovereign Citizen Indicators:

- anti-government bumper stickers on vehicles
- may videotape interactions with law enforcement
- homemade vehicle registration tags on vehicles
- present fraudulent ID or claim to have no identification
- spell personal names in all capital letters or first and last name separated by a colon (e.g., JOHN DOE, jane:doe)
- signatures followed by the words "under duress," "Sovereign Living Soul" (SLS), or the copyright symbol (©)

Sovereign citizen license plates



Figure 3-2a



Figure 3-2b

SECTION VOCABULARY*extremist group**paper terrorism***Militias**

Militias refuse to recognize the authority of municipal, state, and federal governments. They view law enforcement officers as representatives of the government, which they feel is controlled by people who cannot be trusted to preserve law and order. Therefore, militia members often train for preemptive attacks or ambushes by the government and are often arrested for weapons violations.

CHAPTER 4

Interviewing and Report Writing

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This chapter covers note taking, interviewing, and report writing principles and mechanics. These are critical tasks that law enforcement officers must perform every day. During any investigation, the most important thing an officer can find is the truth. Lawful and effective interviews can lead an officer directly to the truth; therefore, it is crucial to justice that officers develop effective interviewing techniques and note taking skills. In addition, officers must develop effective report writing skills. A poorly written report that contains inadequate or inaccurate information can discredit the best of investigations and demean the writer's competence and professionalism. The terms "incident report" and "report" will be used interchangeably throughout this chapter.

UNIT 1 | INTERVIEWING A PERSON

LESSON 1 | Note Taking

OBJECTIVES

LE616.1. Explain the importance of accurate note taking during an interview.

LE616.2. Explain the functions of complete and factual note taking during an interview.

LE616.3. Identify the basic types of information to include in field notes during an interview.

LE616.4. Identify the essential elements of note taking during an interview.

LESSON GOAL: At the end of this lesson, you should be able to take thorough, factual, and complete field notes.

The primary method for documenting an interview is taking accurate notes. Note taking is the act or process of writing down brief pieces of information concerning an incident, event, activity, or statement.

Notes help officers remember facts, complete the final investigative report, and prepare for deposition or trial. Documentation also helps other officers, who may later become involved in a case, acclimate themselves to the case.

Taking notes during an interview is necessary and must be done with great care. It is best to begin taking notes early in the interview and investigation. When taking notes, it is important to include facts about the interviewee such as name, address, date of birth, and other basic facts. These questions help the interviewee get used to answering questions while the officer writes. Notes help officers remember facts about a particular call for service and a person's exact statement, which is better than relying on memory alone. Officers must record facts immediately as they become available. Field notes are normally the primary documents an officer will use when writing reports. These notes help officers recall the events of an incident, document information for further or follow-up investigations, and do case preparations. In some cases, these notes hold up as evidence in court.

Additional ways to take notes may include written statements and recorded electronic evidence. These will receive equal treatment to field notes as sources of information.

An officer's interview field notes will contain facts about specific events, information gathered from investigations, and evidence that might aid in future investigations. Field notes should include the following basic facts:

- Where did the incident take place?
- When did the incident take place?
- Who was involved?
- What happened?
- How did it happen?
- Why did it happen?
- Actions taken by the officer

Where: the location of an incident is a legal requirement which proves jurisdiction. It is generally one of the first pieces of information an officer will obtain. The dispatcher will provide the address, a description of where the incident occurred, or at least where the complainant is located. Note the incident location in as much detail as possible.

Example: “The incident occurred on State Road 33, approximately three miles east of Highway 99.”

Answering *where* also requires naming the location of evidence.

Example: “I saw the knife lying on the kitchen floor, under a chair.”

When: the when of an incident is a legal requirement regarding the statute of limitation and right to a speedy trial. Answering *when* is simply documenting the date and time that the incident occurred. If you cannot establish an exact date, define a range of dates as closely as possible, such as “between Monday, June 3, and Thursday, June 6,” rather than “unknown.” The time of an incident can be critically important to checking alibis given by suspects. The time of dispatch for service, arrival, and completion of the call for service should all be included in an officer’s notes.

Who: represents everyone who may have information about what happened; record this information in the notes. Answering *who* requires documenting more than a person’s name; an officer must identify information such as names, addresses, all phone numbers, dates of birth (DOB) or ages, employment information, races, and genders. It is important to note unique physical attributes that might later help identify a person, such as scars, body piercings, or tattoos. Additional information like height, weight, type of clothing, hair color and length, and unique mannerisms or speech patterns should also be included. Individuals must be identified as victims, witnesses, suspects, or other.

Typically, officers annotate the individual’s status in the case with a circled “v,” “w,” or “s,” (abbreviated versions of victim, witness, or suspect). Document information seen, heard, and obtained from any person involved in an incident.

What: is the information regarding the nature of an incident. Officers should also seek answers to questions like, “to what?” and “with what?”

Example: an officer could write, “The suspect struck the victim’s front windshield with a sledgehammer.”

The descriptive information might also include identifiers specific to the damage, theft, or loss of particular items.

A detailed description of the property should include type, characteristics, serial number, model number, age, identifying marks or inscriptions, and estimated value. Descriptions of vehicles should include type, make, model, year, style, exterior and interior color, tag number, identification number, and any other identifying marks such as scratches or decals.

How: specifies *how* an incident occurred. This should include what was used to commit the offense. Did someone hit the victim with his or her fist? Did someone use spray-paint to tag the side of a building with graffiti? Did a vehicle strike the mailbox? Write the answers to such questions in your notebook.

Often, through observation, an officer can determine how something happened.

Example: In a burglary investigation, an officer might notice a doorjamb with fresh pry marks, indicating a screwdriver was used to pry the door lock open.

Why: the reason for an incident is sometimes called the motive or the *why*. The motive may be a mystery during the initial investigation and may never be discovered. Different witnesses may infer various motives or intents based on their perspectives. An officer should not jump to conclusions about motive or intent based on the first or loudest witness. Often, the motive forms part of the criminal intent for an offense. Proof of criminal intent is essential in obtaining a conviction. An officer's field notes should include information about possible motives and evidence of intent.

Action Taken by the Officer: an officer's notes should contain information regarding the actions taken during the investigation. Remember to include the case number in your field notes.

Examples include: processed the scene for latent prints, located and arrested the suspect, provided the victim with "victim's rights" documentation, *Miranda* warnings were given, etc.

Officers should take notes all throughout the information collection process. Sometimes, circumstances delay immediate note writing. The longer you delay writing down what you see or hear, the greater the chances are that you will not accurately recall some of the information.

Writing notes while interviewing a witness may cause an officer to not hear some of the witness' statement. A good technique is to listen and ask the witness to pause so that you can write down the information. This alternating method will permit you to hear and record information accurately from witnesses.

All names, addresses, and other relevant information should be spelled correctly and recorded accurately. Compare any collected information with the person's legal identification; this action will ensure the person's information is correct.

If you are uncertain of the proper spelling of a witness' name, ask the witness to spell it. If a witness is not sure of the spelling of another subject's information, write the word phonetically and try to find the correct spelling later. Inaccurate information may result in the arrest of the wrong person or acquittal of a guilty person.

Using appropriate abbreviations can tremendously increase note-taking speed. The following are commonly accepted abbreviations that an officer may use:

a.m. . . . morning	yr year	hr hour
v victim	s suspect	ph phone
F female	B Black	A Asian
DOB . . . date of birth	aka . . . also known as	min . . . minute
p.m. . . . afternoon or evening	mo . . . month	w witness
mi. . . . mile	yoa . . . years of age	M male
W White	nmi . . . no middle initial	tot . . . turned over to
tod. . . . time of day		

When the first letters of the words “victim,” “suspect,” or “witness” are used as abbreviations, they should be circled to avoid confusion. Abbreviations for gender, ethnicity, and race are usually uppercase and separated by a slash. Example: W/H/F (White/Hispanic/female) or B/M (Black/male).

There is no statutory requirement for officers to retain field notes; however, officers should follow agency policy and procedures regarding field notes retention.

UNIT 1 | INTERVIEWING A PERSON

LESSON 2 | Preparing for the Interview

LESSON GOAL: At the end of this lesson, you should be able to thoroughly prepare for an interview.

Interview versus Interrogation

An **interview** is a noncustodial meeting where information is obtained from a person. A custodial meeting, where information is obtained from a person, is referred to as **interrogation**.

Purpose of Interview

The purpose of an interview is to collect facts and establish what occurred during an incident. The topic of the interview depends on the interviewee’s knowledge of the events or involvement in an incident or activity. The goal is to obtain a truthful statement, admission, or confession.

OBJECTIVES

LE142.1. Identify the single element of difference between interview and interrogation.

LE142.2. Identify the purpose of an interview during an incident investigation.

LE142.3. Describe the pre-interview process to follow prior to conducting an interview.

LE142.4. Identify the limitations on what an officer may say or do while interviewing a juvenile.

- LE142.5.** List the effective officer response to different types of interviewee behaviors.
- LE142.6.** Identify the important people to interview regarding an incident.
- LE142.7.** Develop specific questions to ask regarding an incident to establish elements of a crime.
- LE142.8.** Choose a comfortable and safe environment suitable for interviewing.
- LE142.9.** Ensure that recording equipment is functioning properly prior to its use in conducting an interview.
- LE142.10.** Determine the order of people to interview based upon unique factors of the incident.

Prepare for Interview

Before asking the first question in an interview, officers must take certain steps to ensure that the interview will be successful. The pre-interview process includes determining whom to interview, when to interview them, the order in which to interview them, where to interview them, what information to obtain, and how to record the interviews. Follow agency interview policies and procedures when obtaining all pertinent information relating to the incident and comparing collected information with other case evidence. It is also necessary that an officer determines whether to administer *Miranda* warnings or an oath or affirmation.

To prepare for an interview, check the interviewee's name through the FCIC/NCIC (Florida Crime Information Center/National Crime Information Center) database to determine if the individual is a wanted person. You should also review the initial findings of the crime scene investigation and then gather and review available background information on the interviewee.

Guidelines for Preparing to Interview Juveniles

Although interviewing juveniles may be similar to interviewing adults, some basic differences exist. By properly applying interviewing techniques, officers will be successful in obtaining required information and resolving investigative issues.

Officers must be familiar with agency policies and procedures on parents' and children's access to each other during interviews.

All interviews with children, whether they are considered victims or suspects, should be documented. Agency and local court policies may limit the number of times a child can be interviewed; officers should be familiar with these policies.

Document the method of communication applied while interviewing a person. Ensure that the person understands whether the interview is custodial or noncustodial. An officer needs to consider education, intellect, experience, background, and age of the interviewee to understand the nature of the interview. Document how the person consented to the interview and note whether the person understood the *Miranda* warning and what it means to waive one's rights.

Officer Response to Interviewee Behaviors

Officers encounter many different types of interviewees during the course of daily activities. The following are examples of how officers can handle the different behaviors that interviewees may display during an interview:

Cooperative interviewee

- Establish rapport.
- Confirm the interviewee's observations and statements.
- Ask direct questions.
- Do not confuse or frustrate the interviewee.

Uncooperative interviewee

- Establish control of the interview.
- Keep your composure.

Reluctant interviewee

- Establish rapport.
- State the purpose of the interview.
- Speak in a subdued tone of voice.

Hostile interviewee

- Establish control of the interview.
- Maintain a neutral demeanor.
- Do not argue with the interviewee.
- Follow safety precautions, including checking for a weapon.
- Ask direct questions.
- Try to reduce the interviewee's stress and anxiety.

Talkative interviewee

- Establish the purpose of the interview.
- Be patient.
- Ask closed-ended questions to redirect the interviewee back to the subject of the interview.

Victim

- Evaluate whether the victim is physically and mentally able to participate in the interview.
- Build rapport.
- Be aware of the victim's verbal and nonverbal cues.
- Prompt the victim with primary and follow-up questions.
- Maintain a relaxed and calm interview environment.

Suspect

- Consider the safety of all concerned.
- Give *Miranda* warnings, when applicable.
- Do not stereotype, pre-judge, ridicule, or bully the suspect.
- Be honest and straightforward.

Other interviewees not directly involved with the incident

- Listen carefully to the interviewee.
- Be polite, patient, and understanding.
- Encourage the interviewee to disclose information.

Officers should be aware of the distinctive or unique verbal and nonverbal behaviors of interviewees who are of a different race, ethnicity, gender, or culture. You must not employ stereotypes or judge the interviewee's behavior from your own cultural background and beliefs. Be open-minded and relate to the person as an individual. Be aware of culturally acceptable behavior such as eye contact, body language, and proximity. Be cognizant of potential language barriers and allow the interviewee sufficient time to answer questions; you may need to repeat and explain questions.

Interviews are usually conducted immediately or shortly after a crime in order to obtain the most accurate and helpful information. However, if the opportunity to speak with a witness at the scene is not available, the officer should schedule a post-scene interview with the witness. The proper time to interview will depend on various factors, including the physical and emotional state or condition of the interviewee.

Officers can decide which people to interview at the scene of an incident by asking people around the scene some general questions and seeking information from anyone who knows something about the incident. You should determine the extent of each interviewee's knowledge about or involvement in the incident. Answers to general, open-ended questions, such as—"Can you describe what happened?"—can help identify potential interviewees. Interviewing all people with knowledge of the incident is important. If a particular person is not interviewed, explain reasons for not doing so in a report.

Generally, the people that should be interviewed belong to one or more of the following five categories:

- witnesses
- suspect(s)
- victim(s)
- **complainant**—someone who reports a crime or alleges that a crime has been committed
- **confidential informant**—someone who provides information in confidence about a crime, either from a sense of civic duty or in the expectation of some personal benefit or advantage, and whose identity is normally not disclosed until required by law.

Generally, officers should conduct interviews at the scene. In some situations, it is necessary to conduct an interview after leaving the scene of an incident. Many post-scene interviews take place after an injured individual is transported to a medical facility. Whenever possible, a face-to-face interview is ideal. Talk to all people who can provide the most information about the incident in simple, understandable language. Their statements should be recorded for later use.

Officers should ask questions aimed at establishing the elements of a crime. Avoid asking leading questions when interviewing as they are framed to evoke a specific response from the interviewee.

An example of a leading question to avoid is, “And then she hit you with the bat?”

The interviewer should ask evenly spaced, nonthreatening, open-ended questions about the event. These questions usually require more than “yes” or “no” answers.

Open-ended questions encourage conversation and require the interviewees to think, reflect, and provide their opinions and feelings. The interviewee is likely to answer open-ended questions with more detail.

Examples include:

Who: Who were you with? Who was involved? Who do you think did it? Who is the victim?

What: What happened? What did you see? What were the circumstances? What offense was committed?

When: When did you realize something was happening? When, in terms of date and time, did the incident occur?

Where: Where did he throw the knife? Where did the incident occur? An officer should use the answer provided to establish the jurisdiction where the incident occurred.

Why: Why did you call for help? Why did the incident happen?

How: How can I help you? How did the incident happen?

Factors that influence the accuracy of an interview include isolation and privacy. The interviewer is responsible for creating an atmosphere that will encourage honesty and forthrightness in the interviewee. Isolating the interviewee prevents outside influences; privacy helps build rapport and gain trust. A good physical and emotional comfort level is another factor that can influence the success of an interview. The interviewee’s comfort will encourage their cooperation.

The location of an interview is a factor that can determine its success. Interviews may be conducted at the scene of an incident or in the officer’s patrol vehicle. Whatever location the officer chooses, it should be safe, out of the weather, and as far removed as possible from other witnesses, victims, and suspects to discourage the discussion or rehearsal of their accounts. If available, the officer may choose to interview subjects at a location that has recording equipment. Prior to recording the interview, ensure that all recording equipment functions properly.

When conducting interviews, officer safety is of paramount importance. An officer should be mindful of his or her safety, consider the situation, and remember that an interviewee may be armed with a weapon. It is important to remember that the initial officer on an incident scene should give first aid to injured people, before conducting any interviews and issuing a Be On The Look Out (BOLO), if applicable.

SECTION VOCABULARY*complainant**confidential informant***Order of Interviews**

Once aid has been given, and the scene secured, the officer shall determine the order in which individuals should be interviewed. Generally, the complainant or victim is the first person to be interviewed, then witnesses, followed by the suspect. However, officer safety and scene security factors may dictate otherwise. If it is apparent that an interviewee is traumatized from the incident, conduct the interview after the interviewee has stabilized. The attitudes of other potential witnesses will help you decide the order in which to conduct the interviews.

UNIT 1 | INTERVIEWING A PERSON**LESSON 3 | Conducting the Interview****OBJECTIVES**

- LE142.11.** Identify the limitations on what an officer may say or do during an interview.
- LE142.12.** Describe the three stages involved in an interview process.
- LE142.13.** Describe the three basic types of interview techniques used during questioning.
- LE142.14.** Describe what officers can do to evaluate their interviewing skills.
- LE142.15.** Respond to common signs of deceptive responses which can be exhibited by an interviewee.

LESSON GOAL: At the end of this lesson, you should be able to properly conduct an interview, document information from an interviewee, and obtain statements.

Officers must be alert during interviews, keeping in mind all safety techniques they learned in the academy. Your firearm should be positioned on the side that is further away from the interviewee. When possible, avoid sitting or standing with your back to a door.

Interview Considerations

Florida law allows officers a substantial amount of discretion when conducting interviews and interrogations. While officers are allowed to be deceptive to a point, there are limitations on what an officer may say or do during an interview. Examples of officers' limitations include:

- making threats
- promising leniency
- creating physical evidence for use during an interview

These examples are considered gross deception when used and may suppress the legitimacy of admissions, confessions, and evidence that result from the interview. Such tactics may also result in administrative discipline and civil liability for the officer and the agency.

Stages of the Interview Process

There are three stages of a planned interview: warm-up, primary, and closing.

The initial stage of the interviewing process is the warm-up. During this stage, the officer establishes rapport and builds understanding with the interviewee. Introduce yourself and ensure that the interviewee is physically and emotionally comfortable. Take care to conceal any personal feelings of animosity toward the interviewee. Begin by explaining the purpose of the interview and describe why the information is important and how it will be collected and used. The goal of an interview is to gather all pertinent information; therefore, you should use simple language that the interviewee can easily understand.

During the primary stage, the officer obtains information about the incident from the interviewee. Ask a variety of open-ended questions designed to collect as much information as possible.

Closed-ended questions elicit only “yes” or “no” answers. They are used to get specific answers or help the interviewee refocus.

Examples include: “Do you know where the suspect lives?” and “Were you in the room when the fight started?”

Answers to past performance questions help an officer assess how the interviewee handled a similar situation in the past. These types of questions can uncover additional information about the history of a situation or determine a behavioral pattern. An example of a past performance question would be “How did you react to the arguments of the couple next door in the past?”

The closing stage concludes the interview. Express an appreciation for the interviewee’s time. Verify contact information from the interviewee in case additional questions come up in the future, and then summarize all information collected for the report.

Basic Interview Techniques

The three types of basic interview techniques include:

Mirroring: act as if you are looking into a mirror, seeing the interviewee as a reflection of yourself. By assuming a certain posture, the officer can indicate that he or she is actively listening to the interviewee. You repeat what the interviewee says but rephrase responses as questions and statements that help clarify information or elicit a more detailed response. Using proper language and tone of voice, which parallel those of the interviewee, conveys your willingness to listen and understand.

LE146.1. List the three types of statements which can be obtained during an interview.

LE146.2. Describe how to obtain a legally defensible written sworn statement from a victim, suspect, and witness.

LE146.3. Explain the importance of reviewing an interviewee’s statements for completeness.

LE146.4. Explain the importance of an interviewee’s signature on a written statement.

LE146.5. Describe how to legally administer an oath when obtaining a written sworn statement from a victim, suspect, and witness.

LE146.6. Describe how to obtain a legally defensible electronic statement from a victim, suspect, and witness as evidence.

LE622.1. Record the collected essential information regarding an incident in an agency approved form or log, where applicable.

Minimal encouragers: are brief statements which indicate that the officer hears what the interviewee is saying and is inclined to hear more. Examples include “Okay,” and “Go on,” and “Then what?”

Recreating the event stimuli, which can be both physical and psychological, can enhance memory recall. Ask the interviewee to think back to the original event, to recall the physical surroundings (time of day, workspace, and so on) as well as the emotional situation (rushed, bored, and so on).

Cognitive interviewing: involves asking questions designed to reveal cognitive memory through the five senses: sight, hearing, smell, taste, and touch. When using the cognitive technique, ask interviewees questions related to who, what, where, when, why, and how.

Officers should develop their own style of interviewing. Use clear language, avoid jargon or slang when conducting an interview, and show courtesy, consideration, and patience. Never suggest a conclusion or supply information to help an interviewee fill gaps while recalling the account of events. You cannot assume that interviewees are sincere just because they seem to be.

There are a number of things officers can do to evaluate the effectiveness of their interviewing skills.

For instance, compare the results of an interview with the case paperwork and other completed interviews from the case.

Officers also can evaluate their approaches, adjust where necessary, and continue the investigation. Officers can evaluate their interviewing skills by determining if the information from the interview is suitable for submission in court.

The interview needs to answer the who, what, when, where, why, how, and what action happened in the incident. If the information you get answers these questions, the interview probably gave you valuable results.

If you do not feel successful in obtaining the desired information, adjust the plan for follow-up interviews as necessary.

Common Signs of Deception During an Interview

Detecting deception is a valuable skill that an officer can develop over time with practice and experience. When conducting interviews, monitor interviewees for physiological and behavioral changes that occur in response to specific questions or statements. The manner in which an interviewee responds, verbally and nonverbally, to various questions may indicate that the individual is being deceptive or withholding information. Certain body movements, gestures, facial expressions, and physiological signs may be indicators of deception; however, it is important for officers to recognize these indicators may also be related to stress, nervousness, cultural norms, or medical conditions like autism. The timing of behavioral and physiological changes in relation to specific questions provides the strongest and most accurate indication that an interviewee is concealing information or being deceptive.

When conducting an interview, begin by engaging interviewees in friendly conversation and asking non-threatening questions that are unlikely to produce stress or a deceptive response. Friendly conversation should be unrelated to the incident being investigated. Non-threatening questions may include asking the interviewee for his or her name, date of birth, address, place of employment, and recent activities likely unrelated to

the incident. During the friendly conversation, ask neutral questions and pay attention to an interviewee's body language, tone of voice, and demeanor to establish how the interviewee normally behaves and physiologically functions.

Physiological and behavioral signs of nervousness, stress, and possible deception may include:

Physiological

- increased perspiration
- changes in skin color
- dry mouth
- observable increase in pulse rate
- observable change in breathing rate

Behavioral

- change in tone of voice, volume of speech, rapidity of speech, pauses or silence
- foot tapping
- leg shaking
- finger tapping
- pacing
- inability to sit still
- refusing to look at the questioner
- giving answers that appear rehearsed
- giving verbal responses that are inconsistent with nonverbal responses
- attempting to change the line of questioning
- being overly eager to help
- giving too much or too little clarification
- responding to questions with questions
- looking for an escape route
- asking for simple questions to be repeated

Once you understand the interviewee's normal behavior, you should transition to asking questions related to the incident. Continue to observe the interviewee's physiological and behavioral changes in correlation with specific questions asked.

Example: While asking the interviewee questions related to his address and employment, the interviewee appeared calm. But when the officer began asking the interviewee about the burglary which had occurred the night before, the interviewee started tapping his foot, sweating, and repeated simple questions before answering them.

While truthful interviewees may display behavioral or physiological indicators of deception, these indicators will likely appear consistently in reaction to any kind of question—even questions unrelated to the incident. Always evaluate the truthfulness of interviewee statements and responses. Never ignore or dismiss indicators of deception in the interviewee. Taking everything into consideration is especially important when an interviewee is providing statements that an officer wants to hear, such as a suspect making incriminating statements or confessing guilt. Innocent people have been known to make untruthful admissions and confessions; therefore, such statements must be corroborated, if possible.

Truthful interviewees, who are making no attempt to conceal information, will likely answer questions with confidence and make a sincere attempt to assist in the investigation. Guilty interviewees, who are being truthful, will provide statements with the same confidence as innocent people who are being truthful. Truthful but guilty interviewees may express regret or remorse for their actions and acknowledge the evidence against them.

Obtaining Sworn Statements

A **statement** is a permanent, verbal, or written record of a person's account of an incident or occurrence that may or may not be made under oath or affirmation.

Statements may be taken from anyone—witnesses, suspects, and victims—who has information about any crime, incident, or occurrence, and may include sworn, unsworn, and confession statements. Most jurisdictions require that a statement be sworn. A **sworn statement** is written or oral facts that are stated under oath or penalty of perjury. Written statements and audio or video-recorded statements must be made under oath or affirmation. These statements must be preserved as evidence.

Written Statements

After forming a mental picture of the sequence of events, identify people you need to ask for a written statement about the incident or crime. You can use the information contained in a witness statement to complete a report, establish probable cause, file an affidavit, or obtain a warrant. The information may be admissible in court and could help solve the crime or identify additional suspects or witnesses who have information about the crime, incident, or occurrence.

When asking an individual to provide a written statement, explain the reason(s) for the request and be clear about what information (who, what, when, where, why, and how of the incident) the individual should include. Never offer an opinion or interpretation of events. Individuals who have important information or facts regarding an incident should complete a written statement. If an individual says something important during an interview, but leaves it out of the written statement, ask that person to include the information. It may be unnecessary to obtain a statement from a person who claims to have seen and heard nothing, if you believe the individual is being untruthful.

Under certain circumstances, it may be impossible to take a statement. Always document why there is not a statement from an individual.

Example: An injured person who requires immediate medical attention probably cannot give a statement at the scene.

Individual Writes Statement

Individuals may handwrite statements only if officers advise them to print clearly. When writing a statement, individuals should describe, to the best of their recollection, all property and every event, person, weapon, and vehicle involved in the incident. Read the statement and compare its content with notes taken during the individual's first verbal report of the incident. If the written statement does not address information that exists in first verbal report, ask the individual to address that information in the statement. Do not influence the content of the individual's statement or insert personal interpretations. The writer must sign the statement or affirmation to confirm that the content is factual, correct, and complete.

Officer Writes Statement

If the interviewee does not read or write, or for any other acceptable limitation, the officer may write the statement for the interviewee. In this situation, you ask questions or have the individual relay the information in his or her words while you write the statement down. The person providing the statement should read the oath printed on the statement form and sign his or her name to indicate that the information contained is correct and factual. Do not paraphrase or summarize the statements that the interviewee provides; then administer the oath or affirmation to the interviewee. Read the statement back to the interviewee, make any needed corrections, and then ask the interviewee to sign and date the statement or make a thumb mark. A witnessing officer should also notarize the statement. At the end of the written statement, the officer annotates the following phrase:

"Dictated by _____ and written by Officer _____."

Individuals who cannot speak English can write a statement in their own language. When taking statements in languages other than English, a certified translator is needed. Officers should be familiar with agency policy regarding the use of translators.

If a person refuses to give a statement, this should be indicated in the officer's notes. Individuals cannot be forced to provide statements; however, they can be subpoenaed and be required to appear in court.

Signing Statements

If an interviewee submits a written statement, you must read it to see if it is complete before the interviewee signs the document. This signature requirement assures that the statement is readable and can be understood; if not, it may be of little or no use to the trial.

In some situations, an interviewee may be injured, sick, or incapacitated and unable to sign the statement. In such cases, the officer should write the reason the person was unable to sign the statement. If possible, an officer can ask a witness to sign the statement. If the person gives a statement but refuses to sign it, note "refused to sign."

When and How to Give an Oath

An ***oath*** is a vow or a pledge to tell the truth regarding an incident or occurrence. Circumstance or agency policy often determines when an officer should accept a written statement.

The policies of the agency and the local state attorney's office should be followed to determine the preferred procedure for locations, materials, equipment, and interpreters needed for the statement. A person may

object to taking an oath because of a religious or philosophical belief. Florida law allows a person to make an affirmation instead of an oath. An **affirmation** is a solemn and formal declaration or assertion made in place of an oath. Florida law, as per s. 117.10, F.S., provides law enforcement officers with the authority to administer oaths while performing their official duties. However, this does not certify officers as notaries; to become a notary, they have to complete the normal appointment process. Officers should always administer an oath or affirmation for any sworn statement or affidavit.

When administering an oath, inform the interviewee of the need for a sworn, written statement and explain that such a statement must be made under oath. Advise the interviewee it is perjury to give false information in a statement. Instruct the interviewee to raise his or her right hand while administering the oath or an affirmation by asking the person, “Do you swear or affirm that the statement you are about to give is true and accurate to the best of your knowledge?” The law does not require individuals to raise their right hand when giving an oath or affirmation; however, this well-known practice and gesture may impress upon the individual the importance of telling the truth.

Electronic Recording

Audio or video recording of interviews offers advantages and disadvantages. An electronic recording can be beneficial because the entire interview can be heard. Also, the interviewer’s fairness can be readily evaluated. The disadvantages of recordings are that their use may be subject to possible legal constraints, and some recorded words or descriptions may not be clear or may be subject to misinterpretation. Audio and video-recorded statements must be made under oath or affirmation. Apply agency or state attorney’s office policy when using audio or video recordings during interviewing. By doing a brief test recording before commencing an interview, an officer can ensure that the recording device is working properly. All recordings should be preserved as evidence.

Audio Recording

You may ask an interviewee to audio record the statement. On the recording, you must state:

- your name
- names of other people present
- location
- day and date of the interview
- incident to be discussed
- case number
- type of crime
- administer oath or affirmation

Audio recorded questioning begins the same way as verbal questioning. The interviewees also can be asked to narrate what happened in their own words. If the recorded interview has to be suspended or paused, document the following prior to starting again:

- the reason for the suspension or pause
- that this is a continuation of statement recording, date, and time
- verify that no questions were asked of the interviewee while the recording was suspended or paused

Pay attention to what the interviewee says during the course of this statement. If there are discrepancies or clarifications needed, or when at all deemed necessary, ask the interviewee to elaborate. At the end of the recording, state the following sentence:

"This now concludes the statement of ____, regarding incident ____ case number _____. The time is now ____."

Video Recording

Due to facilities and equipment needs, officers normally use this method only in serious criminal cases. The manner in which a video-recorded interview is obtained is similar to that of an audio recorded interview. A video-recorded interview is evidence, and it should be entered as such in accordance with agency policy and procedures.

After completing an interview, the information collected should be documented in accordance with agency policies and procedures including all necessary evidentiary form or log entries.

SECTION VOCABULARY

mirroring

minimal encouragers

affirmation

oath

statement

sworn statement

UNIT 2 | WRITING A REPORT

LESSON 1 | Incident Reports

OBJECTIVES

- LE620.1.** Describe the critical job functions of a well-written law enforcement incident report.
- LE620.2.** Describe the common uses of law enforcement incident reports.
- LE620.3.** List the three general categories of law enforcement incident reports.
- LE620.4.** List the potential readers of law enforcement incident reports.
- LE620.5.** List the common incidents which may require law enforcement written reports.

LESSON GOAL: At the end of this lesson, you should be able to identify the types, readers, and importance of law enforcement incident reports.

A **report** is a written document which gives information about an event, situation, occurrence, or incident. Writing incident reports is a critical job function for all law enforcement officers; however, many officers find this important task difficult to accomplish. An officer writes a report after completing every call for service unless agency policy specifies otherwise. Officers must become skilled in writing clear, concise, and effective reports. A report reflects an officer's competence and professionalism, not only in writing skills, but also in all aspects of police work.

A well-written report is important because it:

- aids the state attorney's office in prosecutions
- reduces legal liability for both the officer and the agency
- saves the department time and expense

Law enforcement personnel frequently say, "If it isn't in the report, it did not happen." This reinforces the point that report writing is one of the most important skills necessary to an officer's success. Most importantly, as a result of a poorly written report, a criminal could go free and threaten the safety of the community or an innocent person could be committed to jail time. The report must withstand the test of time because it may be used or referred to many years after an incident happens.

Reports become public records under Florida law once they are submitted and approved. They must be retained long after the active case is completed. Statute and agency policies dictate how long such reports must be retained. Apart from being public records, reports are typically used in many proceedings as official representations of facts surrounding an incident. Reports are commonly used in:

- criminal case-filing
- depositions
- probation and parole hearings
- criminal trials
- civil proceedings
- victim restitution hearings
- pretrial proceedings
- research
- appeals in criminal and civil cases
- internal affairs investigations
- drafting probable cause affidavits
- workers' compensation cases

Reports are also used for:

- examining past events
- assisting in prosecuting offenses
- coordinating law enforcement activities
- evaluating law enforcement officers' performance
- keeping other law enforcement officers informed
- continuing investigations, preparing court cases
- planning future law enforcement services, and

The primary responding officer prepares the offense-incident report and the probable cause affidavit. If the information pertains to a previously documented incident, or the officer served in a backup capacity during an incident, he or she must prepare a supplemental report. Reports are generally categorized as:

- offense reports
- probable cause affidavits
- supplemental or follow-up reports

Reader Considerations

Officers must consider the potential readers and purpose of each report before writing. The majority of people who read officers' reports are not police officers. The readers will have varying life experiences, education levels, cultural backgrounds, and reasons for reading the report. To ensure the effectiveness of the report, the writer must consider the following possible readers:

- other officers
- defense and prosecuting attorneys
- city, county, or state officials
- victims or their families
- general citizens
- supervisors
- judges
- media reporters
- suspects, defendants, or people convicted of crimes
- insurance companies

Each reader will develop an opinion about the writer of the report based solely on the content or makeup of the report.

Example: Prosecuting attorneys will make crucial decisions about a case based on what they read in the report, even if they have never met the officer who wrote it. On the other hand, defense attorneys will seek to exploit any weaknesses they see in the same report. Both make assumptions about the officer's competence.

The tone of the report is also important. It is a professional document and should be business-like and objective. The officer should use plain English. Recognized acronyms may be used in a report if they are written correctly in full upon first mention, for example, self-contained underwater breathing apparatus (SCUBA).

Incidents or Events Requiring Written Reports

Since all reports may not be written the same way, officers should consider the circumstances and the situation they are trying to document before beginning a report. For example, a burglary report will have different information and may be in a different format than a report of found property.

SECTION VOCABULARY*report*

Incidents that may require written reports include the following:

- all crimes
- use of force by an officer
- suicide
- death
- found property
- runaway juvenile
- missing or endangered person
- traffic crashes (under certain circumstances) as required by law
- miscellaneous noncriminal or suspicious incidents
- probable cause affidavits
- additional or supplemental information

UNIT 2 | WRITING A REPORT

LESSON 2 | Organizing Information for a Report

LESSON GOAL: At the end of this lesson, you should be able to properly assemble, organize, and review collected information prior to writing a law enforcement incident report.

The officer must organize the information obtained during an investigation. Organizing or grouping information will make writing the report easier and more efficient. When logging each new information source or subject, it helps to begin each on a new page in your notebook. While this may mean flipping notebook pages back and forth while grouping, the information will be easier to retrieve later when the actual report writing is in progress. Grouping information is the most efficient way to organize notes.

Notes can be organized in the following two ways:

Chronologically

Organizing chronologically means sorting information by date and time: from the first event to the last. Chronological organization is especially useful when writing a narrative and allows you to easily explain what happened, when, and in what order.

Categorically

Information may also be grouped by category, such as by witnesses, victims, suspects, weapons used, and crime elements. This type of organization helps when completing report forms. Most report forms group information by category. Organizing notes by category before writing the report minimizes the risk of forgetting a piece of information. This practice is especially helpful for incidents that involve many witnesses or victims.

Review Notes

Before writing the report, it is necessary to review the field notes to make sure that all specific facts are available. If pertinent facts are missing, the officer should obtain them. For example, if a victim's date of birth is missing, the officer should contact the victim to get it.

OBJECTIVES

LE620.6. Describe the two common methods of organizing information for efficient report writing.

LE620.7. Review the written notes to ensure correctness and accuracy of information prior to writing a report.

UNIT 2 | WRITING A REPORT

LESSON 3 | Mechanics

OBJECTIVES

LE169.1. Identify the minimum required elements to include when drafting a probable cause affidavit.

LE169.2. Explain the legal and agency guidelines for drafting an effective probable cause affidavit.

LE620.8. Apply the standard English sentence structure when writing a law enforcement incident report.

LE620.9. Avoid the use of sentence fragments when writing a law enforcement incident report.

LE620.10. Apply standard English spelling and capitalization rules when writing a law enforcement incident report.

LE620.11. Apply the standard English rules of punctuation when writing a law enforcement incident report.

LESSON GOAL: At the end of this lesson, you should be able to apply appropriate parts of speech and grammar mechanics when writing effective law enforcement incident reports and probable cause affidavits.

The content of a report is often seen as the most important element of a report. However, grammar, punctuation, and spelling are equally important elements of a quality report. Even if the content reflects a good investigation, numerous mechanical errors will distract from the message and reflect poorly on the writer's competence and professionalism. An effective, well-written report should exhibit the writer's command of the language and be free of errors in sentence structure, grammar, and other writing mechanics.

Good Vocabulary

It is important for officers to develop a good, professional vocabulary. As you encounter unfamiliar words and phrases, take the time to find their meanings and proper usage. Improving your vocabulary enables you to improve your report writing skills, be more concise and precise, and effectively describe what needs to be documented.

Proper Grammar

Grammar involves the rules and guidelines that govern a language's usage and enable its users to have the same understandings of its sounds and symbols. Officers must be conscious of grammatical rules when writing reports. Recognizing the parts of speech and using them properly makes for streamlined and effective reports. See Figure 4-1 on the following page.

Proper Sentence Structure

A **sentence** is a group of words that contains a subject (a noun), a verb (action), and an object (affected or receives action) and that expresses a complete thought. The subject and verb in each sentence must agree in numerical value. A singular subject must have a singular verb, and a plural subject must have a plural verb.

Example: "They are brothers" is correct since the subject, *they*, and the verb, *are*, are plural.

"They is brothers" is incorrect because the singular verb "*is*" does not agree with the plural subject, "*They*."

Part of Speech	Description	Examples
Noun	Names, persons, places, things, actions, qualities, beliefs	The officer stopped the car . The subject fled from the officers .
Pronoun	Acts as a substitute for a noun	They stopped the car. He ran from them .
Verb	Expresses action, events, states of being	The officer ran after the subject. The subject was fast.
Adverb	Describes, identifies, or quantifies a verb, adjective, or other adverb	The subject ran quickly . He became extremely exhausted.
Adjective	Describes a noun or a pronoun	The heavyset man was the subject. The short woman was also running.
Preposition	Links words and phrases and provides temporal, spatial, and logical relationships	The subject jumped out of the car, went over the retaining wall, and ran into the store.
Conjunction	Connects words with other words, clauses (parts of sentences), and ideas	Officer Russ and I approached the car. I covered the car while he made contact with the subject.

Parts of speech

Figure 4-1

As noted earlier, correct verb tenses must be used.

Example: Since officers write reports in the past tense, they should write, “And then, I saw the subject,” **not** “And then, I see the subject,” or “And then, I seen the subject.”

Understanding the parts that make up a simple sentence will help you write proper sentences. The subject of a sentence denotes what or who performs an action; the verb states the action, existence, or state of being of the subject. The object conveys what or who is affected or receives the action of the verb.

John	hit	Monica.
subject	verb	object

Sentence structure

Figure 4-2

A **sentence fragment** is a group of words that lacks a subject, verb, or object or fails to express a complete thought.

Fragments such as “Witnessed a bank robbery in progress while on patrol” should be avoided. Because the sentence has no subject, it is unclear who witnessed the robbery.

“The gun on the floor next to the body” should be “The gun was lying on the floor next to the body,” or “I saw the gun lying on the floor next to the body.”

Incorrect grammar and sentence structure can damage your credibility by affecting the accuracy and readability of your report.

Correct Spelling and Capitalization

Words in reports must be spelled correctly. If using a computer to write a report, the officer should use the spell check feature. It is important to remember, however, that the spell check feature does not always indicate whether the correct word has been used, only if the word has been misspelled.

Example: “The thief took there money” may not be flagged by spell check.

Have another person proofread your report to help ensure that you use the correct words. If you are unsure of the spelling of a word, consider using a different word.

Example: Instead of “penitentiary,” an officer might use “prison”; instead of “contusion,” the officer could use “bruise.”

You can also use a dictionary to check your spelling when writing a report by hand.

Abatement	Inebriated	Incoherent	Accident	Interfering	Conspicuous
Accessory	Angle	Admissible	Sergeant	Lieutenant	Lascivious
Accomplice	Arraignment	Unnecessary	Capias	Apprehend	Warrant
Aggravate	Trial	Disciplinary	Punitive	Lewd	Omitted
Alleged	Possession	Negligence	Injunction	Affidavit	Initial
Approximately	Burglary	Receive	Separate	Efficient	Deposition
Caliber	Amphetamine	Barbiturate	Canvass	Seize	Committed
Delinquent	Argument	Convenience	Conveyance	Definitely	En route
Egregious	Grievance	License	Succession	Substantiate	Nuisance
Foreign	Complainant	Occasionally	Contraband	Occurred	Unconscious
Ordinance	Statute	Acquittal	Suspicious	Twelfth	Forty
Paraphernalia	Marijuana	Which	Surveillance	Sheriff	Subpoena

Commonly misspelled words

Figure 4-3

Whichever method you choose to check your spelling, use it consistently during the entire evaluation process of the report.

Some agencies recommend or require the use of all capital letters in reports. When not using all capitals, the following capitalization rules apply:

1. Capitalize the names of people, cities, states, and streets.

“I spoke with the victim, Greg Alexander, at his house on 999 Monroe Street in Tallahassee, Florida.”

2. Capitalize the names of specific organizations and buildings.

“The neighborhood meeting will be held at the city hall.” (*non-specific*)

“The Oakbrook Neighborhood Association meeting will be held at the Tallahassee City Hall.” (*specific*)

3. Capitalize days, months, and holidays.

“Independence Day is on Saturday, July 4th.”

4. Capitalize geographic locations.

“She is from the South.” (*specific region or location*)

“I drove south on Monroe Street.” (*direction*)

5. Capitalize titles of professionals only when names are used.

“I stopped the chief’s daughter for speeding.” (*chief not named*)

“I stopped Chief Smith’s daughter for speeding.” (*chief named*)

6. Capitalize brand names.

“Mr. Jones reported that his Smith & Wesson revolver had been stolen.”

Homophones

Homophones are words that are easily confused in use and spelling. They sound the same but have different spellings and meanings. See Figure 4-4, right, for examples.

Proper Punctuation

Improper punctuation can result in confusing or even misleading reports. The comma is probably the most misused punctuation mark. Commas are not inserted whenever the writer desires a pause. There are specific rules covering the use of commas:

1. Use a comma to separate two complete sentences joined by a coordinating conjunction (but, or, yet, so, for, and, nor).

I met with the victim, and she gave me a statement. (*correct*)

I met with the victim she gave me a statement. (*incorrect*)

Accept	Except		
Two	Too	To	
They’re	Their	There	
Right	Write	Rite	Wright
Site	Sight	Cite	
Its	It’s		
Seen	Scene		
Knot	Not	Naught	
Night	Knight		
Ad	Add		
Aisle	I’ll	Isle	
Buy	By	Bye	
Know	No		
Raised	Razed		
Rain	Reign	Rein	
Seas	Sees	Seize	
Principle	Principal		
Personal	Personnel		
Where	Wear	Were	Ware
Weather	Whether		
Ordinance	Ordnance		
Statute	Statue		

Common homophones

Figure 4-4

If the two complete sentences are not joined by a coordinating conjunction, use a semicolon or period to separate them.

I met with the victim, she gave me a statement. (*incorrect*)

I met with the victim; she gave me a statement. (*correct*)

I met with the victim. She gave me a statement. (*correct*)

2. Use a comma after an introductory clause.

When the alarm sounded, the burglar ran from the store.

3. Use a comma to separate items in a series of three or more items.

The victim said his digital camera, television, DVD player, radio, and computer were stolen.

4. Use a comma to separate nonrestrictive (unimportant) phrases in a sentence. A phrase is a group of words that forms a grammatical unit, though not necessarily a complete sentence; it is considered nonrestrictive when it can be omitted without disturbing the correctness of the grammar.

The fingerprints, which I found on the window, belong to the victim.

5. Use a comma between two or more adjectives when they separately describe the same noun (example 1). Do not place a comma between two or more adjectives when the adjective before the noun changes what the noun is (example 2).

Example 1: The inmate used a small, metal object to cut his own arm.

Example 2: He threw the white toaster oven at me.

6. Use a comma to introduce a quote.

When I arrested her, she said, “I’m going to burn his house down when I get out.”

7. Use commas when writing dates and addresses.

The first robbery occurred on January 12, 2012, at 345 Monroe Street, Tallahassee, Florida.

The apostrophe is another misused punctuation mark. An apostrophe is used to show possession or to create a contraction. Possession means that certain objects or qualities belong to a person or thing. A contraction is the result of combining two words. Contractions should not be used in law enforcement reports except when documenting a direct quote.

Examples: “Officer Blair put the suspect’s property in the trunk of the car before taking him to the jail.”

“An officer’s size and skill are factors to consider in making a decision to use force.”

Sometimes, a person’s exact words may be used in an incident report. If using a direct quote, the officer must place quotation marks around the person’s words. Here is an example of a direct quote:

Keith Roberts said, “Go ahead and search.”

Quotation marks are not used when paraphrasing or summarizing a person’s statement.

Example: Keith Roberts gave me permission to search his car.

Guidelines for Writing a Probable Cause Affidavit

One of the most important skills a law enforcement officer must develop is the ability to write legally and defensible probable cause affidavits.

When writing probable cause affidavits, also known as arrest affidavits, you must write legibly and use the approved agency or jurisdiction form. Also check the Florida Statutes or the Criminal Jury Instructions to review and comply with the elements of the offense for which the probable cause is to be established. Record the personal identification information of the suspect in the affidavit. Also review the following before writing the affidavit narrative:

- witness statements
- offense or supplemental reports
- evidence

There are several minimum requirements for a probable cause affidavit. It must contain a narrative of the offense, sufficiently stating facts to show the probable cause of each and every element of the charged offense. Some of the facts in the affidavit may include:

- date
- time
- place
- city or county where the offense occurred
- offense charged
- correct Florida Statute number or county or municipal ordinance
- reason for the contact and/or seizure
- any other information necessary to establish probable cause
- name of victim (State law protects the public release of the identification of sexual assault victims.)
- name, address, identifying information, and a description of the accused
- any statement by the accused
- name and address of all parties present (including the names of supervisors present)
- if and why a search occurred

The probable cause affidavit narrative is neither a duplicate of the offense report, nor a statement of all evidence against the suspect. The arresting officer should review the narrative for completeness and accuracy; correct any grammatical or typographical errors before swearing to the truthfulness of the affidavit, and then sign it. Another officer, a notary public, deputy clerk, or clerk of court who administered the oath to the arresting officer must also sign, as required by law. The officer also needs to affix an official seal. Supplemental information is often attached to the probable cause affidavit. This information may include the names and addresses of essential witnesses, witnesses' statements, or a list of tangible evidence seized. The officer must follow agency policy for inclusion, approval, and submission of supplemental documents.

SECTION VOCABULARY

homophone

sentence

sentence fragment

UNIT 2 | WRITING A REPORT

LESSON 4 | Elements and Principles of Effective Report Writing

OBJECTIVES

LE620.12. Apply the standard English elements of effective report writing when writing a law enforcement incident report.

LE620.13. Apply the standard English principles of clear report writing when writing a law enforcement incident report.

LESSON GOAL: At the end of this lesson, you should be able to identify and apply proper elements and principles of report writing when writing effective law enforcement incident reports.

Report writing requires much more than filling in the blanks on a preprinted form. The largest and most important part of a report is the narrative. A **narrative** is defined as paragraphs containing specific details, pertinent information, and the elements of an incident. Normally, narratives are written in **prose** (writing in a normal continuous form, e.g., as used in this textbook) format, detailing a chronological sequence of events.

A report must be a complete representation of the facts that omits unnecessary verbiage and irrelevant materials. A well-written report displays an officer's professionalism and competence.

Elements of an Effective Incident Report

Officers should be aware of the following elements of an effective incident report as they write:

Factuality

A report must be factual. An officer must not alter any information obtained about an incident. Doing so is considered falsifying a report and is a criminal offense.

Only the facts of the incident represented by who, what, where, when, why, how, and action taken, should be reported. Personal opinions, judgments, hunches, or guesses should never be included in a report.

For example, consider this sentence in a report: "Sandra appeared upset." Different people might have different opinions of what "appeared upset" might mean. It would be better to state, "Sandra's hands were shaking and she was wiping tears from her face" in the report. This helps the reader visualize Sandra's emotional state.

People could interpret the following statement in different ways: "Jim became uncooperative and belligerent." The officer should have documented the actions of Jim without adding personal interpretations of Jim's actions. A better statement may be, "Jim stood in front of me in a fighting stance. When I attempted to handcuff him, he pulled his right arm away and said, 'I'm not going anywhere!'"

An officer cannot merely write in a report, “The victim fears for her safety.” A defense attorney might ask the officer why the victim was afraid.

Because the officer did not document the victim’s statement or action, which would have indicated why she feared for her safety, the officer would not testify accurately about what happened.

A report must include the officer’s observations of all witnesses, suspects, victims, and other officers involved in an incident. All sides of the story must be reported. Even if there are contradictions among the witnesses’ information, each witness’ account should be included. Officers should be careful to avoid unnecessary or ambiguous information, as well as emotional, sarcastic, humorous, or opinionated content.

Clarity

A report must be clear and only allow one interpretation of each sentence’s meaning. This is the goal of using plain and straightforward language. Officers should avoid using abbreviations in their reports. However, they should be familiar with their agencies’ policies and procedures on including agency-approved abbreviations. There are times when it is acceptable to omit the race or gender of a person from the narrative, such as when the information is documented in the victim, suspect, or witness description boxes on the appropriate agency form or log.

When referring to an individual for the first time, give the individual’s full name. In later references, you must ensure that you properly identify the individual. Consistency of identification helps prevent confusion for the readers.

Example: you would first reference this victim by writing “Jane Doe, victim”; you would subsequently reference to her as “victim.”

Follow agency abbreviation policy when referring to victims, witnesses, or suspects in reports. If agency policy does not address them, the officer must comply with the requirements of the state attorney’s office.

Conciseness, Completeness, and Accuracy

Be brief and to the point in reports, but not so brief that the report is inaccurate, not detailed, or incomplete. Avoid using unnecessary words.

Example: “I observed the defendant fleeing the scene in a northerly direction away from me.” (*Wordy*)

“I saw Charles Baker running northbound on First Street.” (*More concise*)

To ensure accuracy, include in the report all relevant facts and specific details from the field notes. The facts are obtained through interviews and investigations. Document all statements made by the victim, suspect, witnesses, and children present. Document the exact words in quotation marks, the emotional state, and indicate the approximate time in the report. Officers must always remember that if “a fact is not in the report, it did not happen.”

Use of Standard English

It is acceptable to use jargon, slang, and abbreviations when taking notes as long as you know their meanings. However, do not include such jargon, slang, and abbreviations in your final report writing. Refer to agency policy regarding their usage, especially abbreviations. In many cases, the defense will try to discredit the investigating officer using a poorly-written report. A report also can be an officer’s greatest strength.

If a witness, victim, or suspect uses jargon, slang, racial slurs, or offensive language, report exactly what the witness said using quotation marks, especially when such statements are valuable to the investigation and establish a person's frame of mind.

Jargon is the technical vocabulary of a profession which has meaning specific to the people who work in the particular field or profession. Example: "Signal Zero," "I got your Six," and "smash and grab" are terms familiar to law enforcement officers but likely unfamiliar to civilians.

Slang consists of informal, nonstandard words often characterized by regional or specific group usage. Examples include "geekin," "trippin," "chill," "dawg," and "my bad." Except when quoting witnesses, slang has no place in a police report.

Legibility

When writing a report, an officer must print clearly and legibly. Unless your agency specifies otherwise, you should use a black or dark blue ballpoint pen for clear legibility and the best photocopying quality possible. Form letters clearly and distinctly. In some cases, writing in all capital letters is a good solution to poor penmanship, as long as doing so follows agency instructions. A perfectly written report is of no value if no one can read it.

Timeliness

You must complete your reports as soon as possible after the incident. Doing so helps you avoid forgetting important details. Immediately preparing a report will help you recall important facts that may have not been recorded in the field notes.

As much as possible, you need to write your reports and turn them in by the end of your shift, unless agency policy states otherwise. If further investigation is required, you may have to write supplemental reports. Late reports may hinder other operations, impede investigations, and delay prosecution preparations.

Principles of Clear Report Writing

An effective report will have good content and proper formatting. Content relates to the material aspects of the case and the actions of its subjects, such as: Who were you with? Who was involved? Who do you think did it? Who is the victim?

The format is the way information is organized and presented in the report.

Proper Identification of the Statute and Elements of the Crime

Officers must properly identify the correct name of the crime and statute violated. If the narrative accurately describes and outlines the elements of the crime but does not state the classified crime or crimes, the content of the entire report can be called into question.

Introduction, Body, and Conclusion

To present a clear narrative, a report must contain an introduction, a body, and a conclusion.

The introduction of a report usually includes information such as:

- the date of the incident
- place of the incident
- assignment and arrival time
- the officer's name
- the identity of the victim, suspect, or complainant
- the officer's initial actions

The body of the narrative is the detailed chronological account of the incident. This section includes the investigative actions that the officer took. It must address the elements of the incident. Often, the body of the report may contain one, two, or more paragraphs, depending on the complexity of the case and the number of people involved.

The conclusion explains how the officer resolved the situation or handled the obtained information. It includes any citations issued or arrests made, if applicable, and documents appropriate criminal charges.

Just because a report typically contains three sections does not mean you should limit the report to one paragraph per section.

The content of the narrative should answer the following four key questions:

1. Why was the officer there?

- dispatched to a call at the location
- flagged down while on patrol
- officer saw or thought something occurred while on patrol

2. What did the officer observe?

What did the officer see, hear, smell, or feel?

What were the crime scene conditions?

What was the officer told by people at the scene?

Who else responded to the scene?

3. What did the officer do?

What investigative steps did the officer take?

What other actions did the officer perform (CPR, response to resistance)?

Whom did the officer interview?

Whom did the officer notify about the situation?

SECTION VOCABULARY*narrative*

Did the officer collect any evidence?

jargon

What did the officer do with any collected evidence?

prose

4. What were the outcomes?

slang

What crimes were committed?

Did the officer arrest anyone?

What related documents were collected or disseminated?

Were any further actions or referrals required?

Point of View: Write reports in the first or third person, depending on agency policy. However, officers most commonly use the first person.

first person: “I saw,” … “I spoke,” … “I arrived.”**third person:** “The officer saw,” … “The officer spoke,” … “The officer arrived.”

Voice: Officers should write their reports in **active**, rather than **passive**, voice. In active voice, the subject of the sentence comes before the verb and is clearly stated. For example: “Ann struck John with a frying pan.” In this sentence, Ann is the subject and is placed at beginning of the sentence, immediately before the verb. John receives the action and is therefore the object. Writing in active voice tells the reader who or what is performing the action, what the action is, and then what is receiving that action.

In passive voice, the object and the subject switch places. For example: “John was struck with a frying pan by Ann.” In this sentence, John is still the object, as he still receives the action. However, the reader does not find out who struck him until the end of the sentence, so the reader has to backtrack in thought.

Avoid using passive voice at all costs. Detect and fix passive voice by first asking yourself whether a sentence tells the reader who or what is performing the verb. If it does not, write what that person or thing is before the verb. If it does, make sure that person or thing is placed before the verb.

Tense: Law enforcement reports are written in **past** tense because the events have already occurred. It is important to make sure you use proper verb tenses. Writing in active voice does not mean you must write in present tense. “Ann struck John with a frying pan” exemplifies active voice, past tense, and proper language for reports.

UNIT 2 | WRITING A REPORT

LESSON 5 | Evaluating a Report Prior to Submission

LESSON GOAL: At the end of this lesson, you should be able to effectively evaluate law enforcement incident reports for factuality, clarity, correctness, and completeness.

Once the report has been written, it must be evaluated. Take your time in carefully examining the content of your reports. Correct any mechanical or typographical errors. Proofreading is the checking of a report to ensure that correct spelling, proper punctuation, appropriate capitalization, and proper grammar are used.

During the evaluation process, ensure that you have included all pertinent facts from field notes in an organized, accurate manner. Ensure that you maintain active voice throughout the report. The narrative should flow logically from one sentence to the next and should not be choppy.

Considerations in the Evaluation Process

In reviewing the content of the report, check to see if you included the answers to “who, what, when, where, why, how and action taken.” Officers must also ensure that the elements of the crime are clearly detailed within the report and record procedures followed including BOLO notifications, case cards, victims and witness pamphlets, and domestic violence information.

To evaluate a report for errors, consider the following:

- **Spelling:** All words need to be spelled correctly.
- **Grammar:** Ensure verb tense agreement; sentence structure should be correct and written in the active voice.
- **Punctuation:** Ensure proper use of all punctuation, including comma placement, appropriate use of apostrophes, and correct quotation marks.
- **Capitalization:** All appropriate words should be capitalized.
- **Vocabulary:** Ensure appropriate word selection and proper usage.

To analyze for clarity, an officer should consider if the report narrative flows properly, makes sense, and contains complete sentences. Check to see if information needs to be added or deleted, and is clear to anyone who may read it. When possible, have another officer read the report to see if it makes sense prior to submission.

Note: In addition to those listed in the textbook, there are numerous resources on the internet which are referenced to assist with spelling, grammar, punctuation, and vocabulary improvement skills.

OBJECTIVES

LE620.14. Explain the common factors used during the evaluation process of a law enforcement incident report.

LE620.15. Review a completed law enforcement incident report for errors using standard English grammar rules.

The following exercises are intended to help students apply their proofreading skills. These skills are necessary when editing reports.

Exercise 1

Correct the following exercise using standard English grammar rules; make sure that the narrative is free of jargon and slang.

On March 3, 2008, at approximately 1500, this officer observed Jack Pollon proceed to operate a 1999 blue in color Oldsmobile bearing Florida license plate number FTS 134. this officer initiated a traffic stop on the vehicle after this officer observed it improperly backing into traffic. I asked Mr. Pollon for his registration and driver's license. He blew me off and ignored my request by stating he did not have to show me this information if he did not want to. I told him he needed to get his act together quickly and requested the pertinent information again. He again refused to comply with my request. I detected the strong odor of an alcoholic beverage. Mr. Pollon was asked by me if he had consumed any alcoholic beverages. He said yeah so I told him to get out of the car and he did. The field sobriety exercises were conducted by me. Mr. Pollon failed the field sobriety exercises. this officer placed him under arrest and transported him to the St. Johns' County criminal holding facility. The breath test was administered to him. The result was .10.

Exercise 2

Correct the following exercises using standard English grammar rules; make sure the narrative is free of jargon and slang.

On 16 Feb 08 at 1220 hours this officer responded to 2615 Airport Av Apt 65, Ponte Vedra Beach, reference a disturbance. Upon arrival, this officer scoped out what sounded like a loud verbal dispute emanating from within the home. Subsequently, this officer made contact with the owner of the dwelling, Doris Wardley, to assure the safety of anyone inside the apt. The defendant advised that her TV was on and that what this officer heard was a movie on TV. The defendant appeared confrontational and hostile to this officer's presence. The defendant told this officer to get outta my face and attempted to shut the door with great force. this officer detected a strong odor that this officer recognized as marijuana coming from within the apt. this officer asked s1 if she had any illegal narcotics on her person. At stated time def provided a pack of rolling papers and a small baggie containing a green leafy substance from her right pant pocket. Such substance was tested using a dept issued kit. The examination results were presumptive positive for cannabis. Subj was placed under arrest and advised on her Mirandi Right. Def was transported to the slammer by this officer.

CHAPTER 5

Fundamentals of Patrol

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Law enforcement officers will spend the majority of their time patrolling an assigned area, and this chapter provides an overview of the law enforcement techniques and tactics that officers use while on patrol. The chapter focuses on the use of communications equipment, Community-Oriented Policing, officer safety and survival skills, and basic instruction on responding to calls and making an arrest, as well as helpful resources.

UNIT 1 | ELECTRONIC COMMUNICATIONS

LESSON 1 | Mobile Electronic Devices

OBJECTIVES

LE614.1. Explain the uses of a mobile electronic device (MED) in conducting police functions.

LE612.1. Identify the importance of radio communication in the performance of a patrol officer's duty.

LE612.2. Describe the main components of radio equipment that an officer may use.

LE612.3. Describe the duties of dispatch personnel when responding to 911 calls and sending and receiving information.

LE612.4. Explain policies regarding law enforcement radio transmissions.

LE612.5. Explain appropriate protocol when constructing and transmitting law enforcement radio messages.

LE612.6. Describe the standard procedures for law enforcement radio communication during a patrol shift, including checking in and out of service and constructing messages.

LESSON GOAL: At the end of this lesson, you should know the uses of mobile electronic devices and be able to identify how they serve as a law enforcement information resource. You should also understand the proper procedure for using the radio.

Mobile electronic devices are used throughout the criminal justice profession. Patrol officers may use laptops, tablets, or smart phones in the performance of their duties; officers use mobile electronic devices to access information regarding criminal records, driving history, and agency records, and can submit electronic reports to a supervisor. The mobile electronic device also allows the officer to accomplish a number of routine tasks, such as checking in and out of service, viewing and receiving calls for service, and receiving dispatch information to minimize radio traffic.

Database access agreements and agency policy regulate the dissemination of information. All computer activity is recorded and subject to review under public records law.

Use professionalism when utilizing any form of electronic communication, including text messaging, car-to-car communication, and email.

While mobile electronic devices are useful in law enforcement work, they can be a distraction that diminishes an officer's observation skills and safety. You should minimize the use of mobile electronic devices while the patrol vehicle is in motion to avoid causing a crash.

Using the Radio

The most common electronic device officers use is the radio. Throughout their shifts, officers use radios to send and receive vital information, call for backup, or identify a suspect or wanted person. Proper knowledge and use of the radio is essential to officer safety. The communications or dispatch center is the hub of contact for patrol officers. Transmitting calls, receiving calls for assistance from officers, broadcasting information about wanted and missing persons, checking records, and a multitude of other tasks comprise the activities that the communications center handles daily to assist patrol officers.

Basic police radio communication generally relies on three types of equipment:

1. dispatch console or base station used by the 911 public safety telecommunicator (dispatch)
2. vehicle-mounted radio
3. portable/handheld radio

There are many different brands, models, and types of radios for law enforcement use. Radios are generally fitted with controls and indicators for power, volume, channel selection, and transmission.



Hand-held radio

Figure 5-1



Vehicle radio 1

Figure 5-2a



Vehicle radio 2

Figure 5-2b

Communications Personnel

Public safety telecommunicators (PSTs), also known as dispatchers, are generally non-sworn personnel who operate the radio and telecommunications systems. They usually work in a centralized area with access to telephones and other resources to assist sworn officers. Their duties include answering, receiving, transferring, and dispatching functions related to 911 calls:

- dispatching law enforcement officers
- dispatching fire, rescue, and emergency medical services (EMS)
- dispatching other public safety services to the scene of an emergency
- providing real-time information from federal, state, and local crime databases

Radio Conduct and Procedures

Conduct all radio communication in a professional manner and understand that there is no expectation of privacy. Sensitive information or criminal history details should only be transmitted by radio when there is an officer or public safety concern. Agencies may use technology such as scrambled or encrypted channels for specialized units to increase operational security.

Maintain proper volume levels on portable radios. They should be loud enough for you to hear but not so loud that they are disruptive. When in the presence of a suspect, reduce the risks and dangers of exposure by using appropriate codes. In addition, you may use an earpiece to minimize eavesdropping.

The Federal Communications Commission (FCC) prohibits people who use police radios, including dispatch personnel and law enforcement officers, from:

- transmitting nonessential or excessive signals, messages, or communication
- using profane, indecent, or obscene language
- willfully damaging or permitting damage to radio apparatuses
- maliciously interfering with another unit's radio transmission
- making unidentified transmissions
- transmitting before the air is clear and interfering with other transmissions
- transmitting a call signal, letter, or numeral not assigned to the station or unit
- adjusting, repairing, or altering a radio transmitter (except by agency-authorized radio technicians)

In accordance with rules established by Florida's secretary of state, all radio transmissions that are recorded must be retained for 30 days. Some agencies may retain transmissions longer.

All transmissions should only relate to law enforcement business. Appropriate radio system use includes relaying the following:

- law enforcement-related messages to other agencies within the state or in another state
- driver's license status and driver history
- facilitating calls for service
- criminal records checks
- hazardous material queries
- vehicle, boat, and aircraft registration queries
- road condition and weather queries

Radio Protocol

Radio protocol describes the customs and regulations for dealing with diplomatic formality, precedence, and etiquette when constructing and transmitting radio messages. It also includes the proper use of appropriate codes and signals, which varies among agencies and regions.

Some agencies use a phonetic alphabet or uniform codes; others prefer clear speech (plain English). Radio codes and signals save airtime and convey precise and definite meanings.

Radio codes also help maintain professionalism and uniform radio communications.

There are four basic radio codes:

- **Signals** communication is a system that uses the word "signal" to precede numbers; for example, "Signal 0" often means an armed person.
- The **phonetic-alpha code** system uses the letters of the English alphabet only. It identifies letters in voice communication.

- The ***ten or numeric code*** system uses the number “10” to precede other numbers that represent specific activities; for example, “10-15” often means prisoner in custody.
- The ***alphanumeric code*** system combines letters and numbers that may include officer call signs or vehicle tags.

Individual agencies might not use the codes reviewed in this textbook, but rather train their officers to use the language they use. You are expected to become proficient in your agency’s language when using a radio to communicate.

Clear radio transmissions are dependent upon proper microphone techniques. Speak directly into the microphone with an even tone of voice.

Before making a voice transmission, listen to make sure there is no other radio traffic and then depress and hold the transmit button for approximately one second before speaking.

An officer should be aware that speech habits affect clear communication. Use a clear, concise tone and an even rate of speech. In stressful situations, a person’s voice may fluctuate. This can make the radio message difficult to understand. Controlled breathing and other stress management techniques can help you overcome voice fluctuations.

Officers working high priority calls may request dispatch to designate a radio channel for emergency traffic only. Dispatch will then alert other officers to refrain from transmitting on that channel. Officers must maintain a professional demeanor at all times. Monitor transmissions from other units at all times in the event that other units may require backup.

If you experience radio failure, establish another means of communication, which could require switching to another channel or calling dispatch to report the failure.

Radio Procedures

Checking In and Out

When officers go on or off duty, they must notify dispatch. Communicate with dispatch throughout your shift. This allows dispatch to relay calls for service and monitor your status and safety.

Receiving and Answering Calls

When you receive a call from dispatch, you should respond with your assigned identification and current location. Do not leave anything to memory and record the information that dispatch provides, which may include the type of complaint, incident location, suspect’s description, etc. Advise dispatch upon your arrival at the call and request backup or any additional resources that are needed.

Constructing the Message

Delivering accurate information in a clear and concise manner is extremely important. An officer should plan messages before transmitting them. Messages should provide essential information, such as officer identification, current location, the reason for the call, and information specific to the situation.

SECTION VOCABULARY*alphanumeric code**phonetic-alpha code**signals**radio protocol**ten or numeric code***Officer-Initiated Transmission**

When an officer takes self-initiated action during patrol, he or she should transmit the following information to dispatch as applicable:

- officer's identification and location
- type of action (vehicle crash, fire, disturbance, etc.)
- other assistance needed (backup, ambulance, tow truck, etc.)
- description of involved parties
- description of vehicle

UNIT 1 | ELECTRONIC COMMUNICATIONS**LESSON 2 | Electronic Sources of Information****OBJECTIVES**

LE006.1. Explain what type of information is available through the FCIC, NCIC, and NLETS databases when conducting a person or property check.

LE006.2. Identify the policies governing information available through FCIC, NCIC and NLETS.

LE006.3. Explain how to run a database check of a person or property using FCIC/NCIC in accordance with agency policies and procedures.

LESSON GOAL: At the end of this lesson, you should be able to understand the uses and restrictions of criminal justice information systems including FCIC (Florida Crime Information Center) and NCIC (National Crime Information Center).

Law enforcement officers often have to obtain information quickly through their communications section. When dealing with people, articles, vehicles, or licenses/IDs, the following terms are all used synonymously to mean gathering information for law enforcement purposes—*querying, entering, running, vehicle check, records check, wants and warrants check, and criminal justice database check*.

Florida Crime Information Center (FCIC)/National Crime Information Center (NCIC)

The *Florida Crime Information Center (FCIC)* is a database housed at the Florida Department of Law Enforcement in Tallahassee, Florida, that provides information about people and property. This information includes:

- statewide information on people and property
- driver's license and registration information
- wanted and missing persons
- stolen guns, vehicles, and other property
- person's status files and computerized criminal histories

The FCIC is connected to the **National Crime Information Center (NCIC)**.

The NCIC is a system maintained by the Federal Bureau of Investigation (FBI) in Clarksburg, West Virginia. The NCIC system contains information from records of stolen, abandoned, and recovered property and wanted and missing person files for all 50 states, Canada, the U.S. Virgin Islands, the Commonwealth of Puerto Rico, and the District of Columbia.

The NCIC also contains the National Sex Offender Registry, the files of people on supervised release, protection orders, foreign fugitives, immigration violators, and known or suspected terrorists or gang members.

The NCIC maintains seven property files containing records of stolen articles, boats, guns, license plates, parts, securities, and vehicles. Most information entered in FCIC also is recorded in NCIC. Agencies are encouraged to enter all warrants into both state and national systems for officer use and public safety.

The FCIC and NCIC systems enable officers to gather criminal history or stolen property information so they can appropriately deal with many incidents. Both systems are available 24 hours a day, seven days a week.

The FCIC connects to the National Law Enforcement Telecommunication System (NLETS), an international justice and public safety information-sharing network. A high-speed, nationwide message-switching communications network located in Phoenix, Arizona, NLETS allows for interstate and interagency information exchange. NLETS has the capability to receive, store, and forward messages to and from its user agencies. It supports inquiries into out-of-state motor vehicle and driver's license files, criminal histories, including those from Canada, agency identification information, aircraft tracking and registration, and out-of-state weather information.

The NLETS Hazardous Materials file provides users with online information about hazardous materials. Officers can make inquiries using the four-digit number normally found on the placard of a vehicle such as a railroad car or semi-trailer. The NLETS response to an inquiry contains a variety of information such as the chemical name, personal safety precautions, general handling procedures, disposal methods, the degree of hazard to public health, and the availability of countermeasure materials. The Office of Hazardous Materials Safety, part of the U.S. Department of Transportation, supplies this information.

LE006.4. Explain what type of information is available through DAVID, FALCON, CJNET, and other online sources when conducting a person or a property check.

A connection between the FCIC/NCIC and the Department of Highway Safety and Motor Vehicles (DHSMV) provides records of vehicles or vessels registered in Florida and driver's licenses or Florida identification card information. Auto insurance information is also available through this system.

FCIC Information Sources

Using the FCIC, law enforcement agencies may enter data about stolen property and wanted and missing persons. Only agencies that maintain a 24-hours-a-day, seven-days-a-week operation are allowed to make entries into the FCIC/NCIC systems. Entered information includes stolen items, boats, guns, vehicles, securities, and missing persons records. The entering agency is responsible for the accuracy, timeliness, and completeness of the records entered and the removal of the information when it is no longer valid.

A computerized criminal history (CCH) is created when the booking agency submits the fingerprints and arrest information for an arrested person. Before the record is created, the FDLE first must process and verify the information by fingerprint review. Additional charges, arrests, dispositions, and other information will be added by the state attorney's office, the Clerk of the Court, and the Department of Corrections. CCH information constantly changes; when officers finish using retrieved information, they should destroy it by shredding or burning. When a CCH is sent to an authorized individual of another agency, a secondary dissemination log must be maintained for four years.

The reliability of an FCIC record depends on the agency's accuracy when entering the information. It is extremely important that the information included in arrest reports or on fingerprint cards is correct, from the spelling of suspects' names to the laws they violated.

When an agency enters data into the FCIC/NCIC, the officer must provide the original report and supplemental documentation to the person at the agency responsible for making such data entries. Officers should follow agency policies for adding information to the systems or when conducting a database inquiry.

FCIC/NCIC Access and Restrictions

Due to the sensitive nature and sheer volume of information included in the FCIC/NCIC systems, officers must strictly follow agency policies when conducting a records check. Criminal Justice Information Services (CJIS) is regulated on the state and federal levels to preserve the integrity of the information. System users must attend the state CJIS certification class and pass the certification exam. System users also must submit a state and national fingerprint-based background check within 30 days of employment or being assigned to a terminal. Computers accessing CJIS information must have adequate physical security to prevent unauthorized access.

All information obtained from criminal justice databases is for law enforcement purposes only. Using it for any other purpose is considered a misuse of the system and may result in serious consequences, such as disciplinary action, decertification, or criminal charges. Employing agencies are also liable for their officers' misuses of criminal justice information. In addition, the agency involved could lose its certification as an FCIC terminal site.

The only exception is that registration and lien information may be given to towing companies per s. 713.78(4)(b), Florida Statutes.

All FCIC/NCIC transactions are logged and can be electronically retrieved upon request. The logs are used for system compliance, criminal investigations, suspected system misuse, public records requests, and administrative purposes.

FCIC/NCIC System Usage

Certain information is required to perform a query through the FCIC/NCIC, depending on the type of information an officer wants to receive from the system.

Queries related to a person require name, race, date of birth, and sex.

When conducting a stolen property check, an officer should provide basic information relative to the item. For firearms, you must have the serial number and the manufacturer. A vehicle check requires the vehicle registration, the vehicle identification number (VIN), or the registration decal number. For a vessel, the hull identification number (HIN), the vessel registration number, or registration decal number is required. The reply will describe the vehicle or vessel and include the owner's name and address.

For other stolen property, provide information such as the item category and manufacturer and a description of the property, any distinct markings, its shape, or any other special identifiers.

The FCIC/NCIC database will return a list of possible matches if the data is the same as or similar to the information submitted. An exact match, called a hit, must be confirmed before an officer arrests a wanted person or recovers a missing person or stolen property. To confirm a hit, contact the agency that entered the information into the database to verify the information is valid. You may then take appropriate action such as making an arrest or confiscating stolen property. Additional information, such as height; weight; scars; tattoos; birthmarks; a Social Security number; model; caliber; driver's license number and licensing state or authority; make, model, and year of vehicle; bumper stickers; engravings; etc., may be needed to determine if an exact match for property or a person with these qualities is relevant.

The hit confirmation process ensures that system information remains valid and is identical to the person or property of interest to the officer. This process prevents arrests based on outdated or invalid warrants. It also provides more details about the action that the entering agency wants taken depending on the location of the person or property. The FCIC system will flag information regarding the possible extradition of a wanted person, the return of a missing person, and the return of stolen property to its rightful owner.

Other Electronic Sources of Information

Department of Highway Safety and Motor Vehicles (DHSMV)

The Florida Department of Highway Safety and Motor Vehicles maintains an online inquiry database known as the Driver and Vehicle Information Database (DAVID). DAVID is the first of its kind, as it provides all information about a motorist (driver/vehicle owner) in one program. The Florida Highway Patrol (FHP), in partnership with the Florida Department of Law Enforcement (FDLE), provides DAVID to authorized users for enforcement and investigative purposes only via the Criminal Justice Network (CJNet). Users authorized by statute can access it to view the following items:

- driver images and signatures
- state-issued identification cards
- applications for driver licenses
- driving history
- vehicle history for motorists
- identification documents used by noncitizens

SECTION VOCABULARY

Florida Crime Information Center (FCIC)

bit

National Crime Information Center (NCIC)

querying (entering, running, vehicle check, records check, wants, warrants check)

Through this system, officers can also request a driver's license re-examination or medical review for a specific driver.

The DHSMV database also contains records of vehicles or boats registered in Florida and driver's license information. Insurance information is available through this system. The DHSMV manually processes driver history, a service available during regular business hours.

When an officer inquires about a vehicle or vessel registration, DHSMV also checks the FCIC/NCIC database for stolen vehicles or vessels.

Criminal Justice Network (CJNet)

CJNet is a secure internet site used by the Florida criminal justice community as a portal to many beneficial information databases. These include InSite, Florida's Integrated Criminal History System (FALCON), Child Abduction Response Team (CART), and Florida Offender Registration and Tracking Services (FORTS). Agency policies and procedures dictate which databases are available to an officer and how to access them.

Florida's Integrated Criminal History System (FALCON)

FALCON is a search/report system that effectively cross-matches fingerprints and criminal histories; contains photographs (including faces and tattoos); searches national and other criminal justice databases; and allows for instant updates of criminal justice information systems.

Department of Agriculture and Consumer Services (DOACS)

The Florida Department of Agriculture and Consumer Services (DOACS) issues concealed weapon permits. Officers can make database inquiries on concealed weapons permits through dispatch. Officers may utilize many additional databases in the performance of their duties.

UNIT 2 | CRIME REDUCTION AND PREVENTION

LESSON 1 | Community-Oriented Policing and Problem Solving

LESSON GOAL: At the end of this lesson, you should understand what community-oriented policing encompasses and how it is implemented using problem-solving models.

Community-Oriented Policing

Many regard Herman Goldstein as the father of community-oriented policing (COP). He first developed and advanced the concept of problem-oriented policing (POP) in 1979. With further refinement, his work became what is now called COP. Community-oriented policing is a philosophy that promotes community partnerships to address the causes of crime and other community issues (Goldstein, 1990). The goal of community policing is to examine issues that are characteristic of specific neighborhoods and to collaborate with the community to fight these problems.

Community-oriented policing has two core components: community partnerships and problem solving. Community partnerships increase understanding and trust between law enforcement agencies and community members. Possible community partners can include law enforcement representatives (elected, sworn, or civilian), government representatives (such as public housing and mental health agencies), and community representatives (local businesses, professional groups, and neighborhood leaders).

These community partnerships are essential in developing the second component of community oriented-policing: problem solving. Community partnerships allow law enforcement agencies to develop long-term, proactive programs and strategies to address local problems. These positive and professional relationships exist to inform law enforcement agencies about pertinent crime-related issues in the community, while establishing a rapport and understanding with the public about the agencies' methods to deter crime.

SARA Problem-Solving Model

Law enforcement agencies can practice the problem-solving component of COP by using the SARA Model. The SARA Model provides a tool for officers to find proactive solutions to community issues.

OBJECTIVES

LE710.1. Explain the concept of community-oriented policing.

LE710.2. Describe principles an officer practices including problem-solving models and community partnerships.

LE710.3. Combine intelligence-led policing strategies with community-oriented policing activities.

The key elements in the **SARA** Model are as follows:

Scanning

Officers should look for patterns in crimes, victims, or geographic locations. Scanning takes a broad, intensive view of a particular area or series of events to describe community problems accurately. Often, you can state these descriptions as answers to the following questions:

- Have you identified a problem?
- How do you perceive the problem?
- How do those outside law enforcement perceive the problem?
- Does your perception differ from others'; if yes, how so?
- How serious is the problem?
- Is the problem a law enforcement issue?

Analysis

In the analysis phase, an officer works to determine the cause of the problem by collecting information from various sources. An understanding of all the components of a problem allows for the design of a custom-made response. Gather information from everyone affected by the issue; law enforcement data should not be the only source of information. You should always consider community perspectives and interpretations of the problem.

Response

The response phase allows officers the opportunity to respond to the problem by working with people who live and work in the community, businesses, and public agencies. The keys to community-oriented policing are the creative and long-term solutions resulting from thorough data collection and analysis put into practice during the response phase.

Assessment

Generally, problem solving produces one of five results: the problem is eliminated; the problem is substantially reduced; the harm created by the problem is reduced; a better method of handling the problem is found; or the problem is found to be outside the realm of law enforcement.

The SARA model is a continuous cycle that reassesses and solves problems within the community. If the assessment process indicates that the solution failed, the cycle continues until the problem is adequately resolved. Assessment may even indicate the presence of more than one problem or other partners who could assist in solving the issue.

Intelligence-led policing (ILP) is the integration of community policing and law enforcement intelligence. Agencies compile statistical data from various sources such as incident reports, field contacts, calls for service, and interagency information sharing. Agencies analyze the data to map and forecast crime trends that allow the effective allocation of resources.

Data-Driven Approaches to Crime and Traffic Safety (DDACTS)

DDACTS is the integration of location-based crime and traffic crash data that determines the most effective methods for deploying law enforcement and other resources.

Drawing on the deterrent value of highly visible traffic enforcement and the knowledge that crimes often involve motor vehicles, the goal of DDACTS is to reduce crime, crashes, and traffic violations.

SECTION VOCABULARY

SARA

intelligence-led policing (ILP)

data-driven approaches to crime and traffic safety (DDACTS)

UNIT 3 | OFFICER SAFETY AND SURVIVAL SKILLS

LESSON 1 | Stress Management

LESSON GOAL: At the end of this lesson, you should understand the different types of stress, how stress affects the body, and how to manage stress.

Police Work and Stress

Officers respond to such stressful situations as domestic disputes, child abuse, traffic accidents, and homicides. For victims, these may be once-in-a-lifetime incidents, but officers may see them regularly. The capacity to cope with stress is vital to an officer's performance. Officers must be aware of stress and how to prevent it or minimize its effects.

What is Stress?

Stress is a physical or emotional reaction to an event or situation. Stress may come from a perceived or real threat or it can be a physiological or psychological response to a demanding situation or change. Not all stress is negative. It can raise awareness of a potentially dangerous situation and prepare an officer to react, such as in the case of the *fight or flight response*.

OBJECTIVES

LE778.1. Describe the types of stress that an officer may experience while performing his or her duties.

LE778.2. Explain the symptoms and effects of post-traumatic stress disorder that a law enforcement officer may experience.

LE778.3. Identify the factors that contribute to the development of stress in an officer while performing his or her duty.

LE778.4. Describe the ways an officer can recognize and manage stress in his or her personal and professional environment.

The fight or flight response is the body's preparation to either get far away from a dangerous situation or be physically prepared to face it head on. However, negative stress can slow reaction time, make an officer question his or her decisions, or cloud an officer's judgment.

Categories of Stress

The level of stress an officer feels in a given situation depends on his or her perspective and personality, as well as the type of threat. There are four general categories.

- **Acute stress** is short-lived and is similar to what people experience before taking a test or testifying in court.
- **Chronic stress** continues over an extended period, such as the stress of a field training program or working with a difficult co-worker or supervisor.
- **Cumulative or routine stress** results from a variety of sources over time. For example, an individual has domestic, financial, and career problems.
- **Delayed stress** lies dormant for a period of time and then resurfaces. For example, an officer works a traumatic traffic fatality and ignores the stress of the situation. Later, a family member is involved in a traffic crash and the officer associates this event with the previous fatality; it triggers delayed stress.

Post-Traumatic Stress Disorder

Like military personnel, law enforcement officers may suffer from post-traumatic stress disorder (PTSD). PTSD is a psychological disorder that occurs after a person experiences a highly stressful event such as war, physical violence, or a natural disaster. Sufferers may display symptoms such as depression, anxiety, recurring nightmares, and flashbacks. Sometimes the sufferer is not the person threatened by the situation but someone who witnessed a violent car accident or whose family is a victim of violent crime. Hypervigilance is one of the symptoms of post-traumatic stress disorder. Hypervigilance is an enhanced state of awareness or "being on guard" that impedes one's ability to relax and disengage from a stressful situation. People experiencing hypervigilance are always on alert, constantly scanning their environment for anticipated danger or threats. Because they are unable to let go of the sense of being on duty, officers who experience hypervigilance may lose connections with family and friends.

Stress Factors

Factors that contribute to stress may be environmental, personal, self-induced, and work-related. Environmental stress involves elements of an officer's surroundings, such as the weather or high noise levels that could add mental or physical strain. For example, moving from an air-conditioned patrol vehicle to a humid environment can be physically stressing. Factors that can contribute to personal stress include trauma related to injury or death, or to financial or family difficulties.

Self-induced stress affects an individual's perception of situations and events. Causes are very specific to the individual and include personal attitudes towards work, perceptions of others, and work-related goals.

Work-related stress involves elements of an officer's job that cause physical or emotional distress. Some may be from forces outside the officer's agency. For example, officers may deal with ineffectual or delayed court procedures and court decisions restricting law enforcement powers. Stress also may come from daily patrolling and may include the danger of patrolling, the boredom contrasted with the need to be alert, and the responsibility for the safety and welfare of the public.

Effects of Stress

Stress can affect an individual in many ways. Short-term stress responses include temporary increases in anxiety, tension, and irritability.

Health-related stress responses may include headaches, blood pressure changes, loss of sleep, and excessive eating. Job performance-related stress responses may include erratic work habits and decreased productivity.

Domestic stress may cause relationship problems, displacement of anger towards family and friends, and withdrawal from domestic and social activities.

Long-term stress responses related to personality may include psychosis, chronic depression, or suicidal thoughts. Long-term stress responses related to health may include chronic disease, high blood pressure, ulcers, and coronary heart disease. Other health problems that could occur include asthma attacks, diabetes, alcoholism, and substance abuse.

Some officers who are unable to manage stress and depression may be at higher risk for suicide. The National Study of Police Suicide (NSOPS) states that the suicide rate among criminal justice professionals is higher than the amount of officers shot and killed in the line of duty.

Signs of Stress

Officers should monitor themselves and fellow officers for warning signs of stress. These signs are often specific to an individual, but a few of the most common are sudden behavioral changes, erratic work habits, excessive accidents or injuries, fatigue, sleeping and eating disorders, excessive worry, excessive alcohol or drug use, and complaints from peers or citizens.

Reducing Stress

Regular physical exercise is a good source of stress relief. Aerobic exercises such as running, swimming, or bicycling are methods of achieving physical fitness and relieving stress. A healthy lifestyle decreases stress. The facets of a healthy lifestyle include getting seven to nine hours of sleep at night and avoiding excessive amounts of fat, sugar, caffeine, and alcohol. Participation in non-law enforcement activities such as community organizations, religion, sports, and hobbies can reduce stress. An extended vacation can also alleviate the effects of stress. The consequences of officers not monitoring their emotional well-being affect their personal lives and job performance.

Poor job performance may lead to poor judgment, liability issues, absenteeism, and complaints.

Programs are available that allow officers to anonymously access counseling services to address stress-related problems.

SECTION VOCABULARY

acute stress

chronic stress

cumulative or routine stress

delayed stress

fight or flight response

stress

UNIT 3 | OFFICER SAFETY AND SURVIVAL SKILLS

LESSON 2 | Officer Safety and Survival

OBJECTIVES

- LE714.1.** Distinguish between observation and perception in the performance of a law enforcement officer's duties.
- LE714.2.** Describe the uses of observational skills in the performance of law enforcement duties.
- LE714.3.** Use the senses while conducting law enforcement duties.
- LE780.1.** Maintain physical fitness to avoid injury or death to self and others when performing the duties of an officer.
- LE780.2.** Maintain an appropriate mindset that avoids complacency and emotional reaction, and preserves situational awareness while on patrol.
- LE780.3.** Maintain equipment and the level of training to perform effectively and preserve officer and public safety.

LESSON GOAL: At the end of this lesson, you should be able to understand the role of observation, factors that affect observation, and how training and being mentally and physically fit will prepare you to reduce injury and survive dangerous situations.

Every situation presents diverse safety concerns, which may include encounters with individuals, the use of makeshift weapons, and environments that restrict an officer's view or ability to communicate with dispatch. Officer deaths and injuries may occur due to a lack of training, poor planning, carelessness, complacency, or overconfidence.

Observational Skills and Techniques

Observation is the act of recognizing or noting a fact or occurrence using the senses. Good observational skills improve through practice, such as memorizing car descriptions or observing pedestrians and environmental details. When observing others, note their appearance, height, weight, hair, clothing, approximate age, and other distinguishing traits. Focus on situations or behaviors that are of interest to police including what is usual or unusual activity within a specific area.

Do not get distracted by a few elements; observe the entire scene before making a judgment.

Perception is the individual's way of interpreting, organizing, and attaching meaning to observations and information obtained through the senses. Perception is the core of observation. Various factors that affect perception are the observer's sex, race, environmental conditions, past experience, education, maturity, bias, mental and physical condition, and position or location.

Cover and Concealment

When arriving at a scene, immediately identify cover and concealment areas. You can use a cover/concealment area in order to observe activity.

Cover protects officers from incoming gunfire. Examples of cover may include automobile engine blocks, brick walls, dirt embankments, concrete, steel, and thick wood. **Concealment** is an object or environment that provides camouflage for an officer but will not stop incoming gunfire. Examples of concealment may include shrubs, fences, display cases, and objects that keep an officer hidden but provide a position from which he or she can observe. It is preferable to use cover rather than concealment.

Using the Senses

Sight is often the starting point for officer observation. Officers must be aware of various environmental and physical factors that can affect vision. Visual defects like nearsightedness (myopia) and farsightedness (hyperopia) can affect your vision if you do not wear corrective lenses. Lighting from sources like streetlights or fluorescent lamps can distort color perception. Darkness can greatly affect vision. Dimly lit objects tend to blend into the background and are harder to distinguish. One technique for visually adapting to darkness is to stop briefly after entering a dark area to allow your eyes to adjust.

Hearing identifies sounds such as voices, engines, and firearms. Ambient sounds, such as traffic, noise from residences, or environmental sounds, may impair your ability to recognize specific sounds that indicate that a crime or incident is in progress.

Officers can use their senses of smell to identify dangerous or illegal substances. An officer may smell gasoline, petroleum products, natural gas, or gunpowder and determine that there is a potential threat. Many factors can affect the sense of smell, such as weather conditions or your health.

Odors in an outdoor environment can mask other smells. Substances with strong odors, like gasoline or ether, can temporarily deaden the sense of smell. Some hazardous materials, such as chlorine gas or ammonia, are harmful if inhaled.

Officers may sometimes use touch to identify items during a search or pat down. Touching tires or engines to check for heat will help determine if a vehicle was recently driven. Use appropriate measures to avoid injury and disturbing a crime scene.

Never use taste to identify any substance. An officer who tastes a hazardous substance, such as a drug or poison, to identify it can become very ill or die. While taste is a sense, an officer must **NEVER** use taste as a way to identify any unknown substance.

Factors that Compromise Officer Safety

Officers should never assume that any call is routine. They must react properly to each set of circumstances. Responding to a call without the appropriate mindset or attitude may cause an officer to become complacent during a potentially life-threatening situation. The ability to remain alert and observe surroundings is crucial for any officer.

While officers are expected to confront dangerous situations, they are not expected to blindly rush into danger. Doing so can increase danger to themselves and other officers. Rely on training and experience, not emotional reactions, to perform officer duties safely.

In order to handle the demands of dangerous situations, an officer must be in proper physical condition. Being in poor condition endangers you, other officers, and the public.

An exercise and wellness program is an important part of an officer's fitness for duty. Get a proper amount of rest in order to effectively perform your job.

An officer's ability to observe hazards and signs of criminal activity is an integral part of patrolling. Officers who are preoccupied or distracted can miss potential danger signs and cause injury or death to themselves, other officers, or civilians.

When making contact with anyone, pay attention to nonverbal cues. These cues involve body language such as hand placement, waist position (if they are leaning away from or towards you) and demeanor. By watching an individual's hands, you can intercept a weapon before the individual uses it.

Officers have an array of equipment including firearms, intermediate weapons, ballistic vests, flashlights, and handcuffs. Vehicles may have spotlights, takedown lights, a public address system, emergency lights, and sirens. If you do not use the proper equipment, you could be seriously injured or killed. Dirty, faulty, or improperly maintained equipment can cause injury or death. Inspect all equipment on a regular basis; keep it clean and in working order at all times.

Officers must continuously train and maintain proficiency with equipment. Not staying up to date on training and not taking care of equipment can cause serious injury or death to you or others. You might only fire your weapon once in the line of duty but when that time comes, you must be fully prepared to use the firearm safely and effectively. Coupled with real world experience, constant training will help officers develop the mindset and attitude required to maintain officer and public safety.

Safety and Survival Procedures

Under the stress of a survival situation, officers should revert to their training. Survival readiness may include tactical preparedness, firearm proficiency, physical fitness, situational awareness, and first aid skills. Use mental conditioning and practice tactical preparedness to respond quickly and safely to a situation. On or off duty, an officer must plan and put this training into action. By studying, mentally rehearsing, and regularly practicing safety procedures, you can be prepared for difficult situations.

The circumstances of a situation should dictate the tactics that an officer uses. Officers should always be alert for indicators of danger and should use their observational skills to analyze the scene for potential dangers.

There are several basic safety tips to remember when on patrol. Tunnel vision is the narrowing of your field of view during a stressful event such as a vehicle pursuit, foot chase, or armed confrontation. Tunnel vision can cause an officer to ignore other potential hazards. In order to alleviate tunnel vision, scan your surroundings, practice controlled breathing, and employ self-talk techniques.

Officers should always identify themselves as law enforcement officers and give direct commands, such as "Stop!" or "Don't move!" Deliver all commands in a tone appropriate for the situation.

If you believe a suspect is armed, coordinate with backup units and use appropriate tactics to contact, control, and disarm the suspect.

In addition, officers should visually assess their surroundings, the number of people at the scene, the position of their hands, and threats such as weapons or items that could be used as weapons.

An officer should disarm a suspect before leaving cover, if possible. Order the suspect to turn away from you and drop any weapons; then, order the suspect to step away. If you shoot a suspect, notify dispatch as soon as possible. Even after a suspect is shot, he or she may still be a threat. Do not holster your weapon and rush to the injured suspect. When possible, maintain cover and wait for the assistance of backup officers before approaching the suspect. If a suspect appears to submit, do not presume compliance. Watch the suspect for unusual actions, especially hand movements. Handcuff the suspect using standard handcuffing procedures, and render first aid as needed.

While in a patrol vehicle, an officer may face attack from sniper fire, firebombs, rocks, or other missiles. If this occurs, accelerate away from the area, roll up the windows, and turn off air conditioning to prevent chemicals from seeping into the vehicle. Abandon the vehicle if these actions do not eliminate the risk.

If you are on foot and come under sniper fire, seek immediate cover, call for assistance, and determine a safe approach for responding officers.

SECTION VOCABULARY

cover

concealment

observation

perception

UNIT 4 | PATROL BASICS

LESSON 1 | Patrol Basics

LESSON GOAL: At the end of this lesson, you should understand the importance of knowing your assigned patrol area, methods of patrol, and how to prepare a BOLO (Be On the Look Out).

Patrol

Patrolling is the main activity that officers perform daily. The primary purpose of patrolling is to maintain a public presence, enforce laws and ordinances, and deter crime. It also includes proactive resident and community contacts by providing information to residents.

Reactive patrol is taking a responsive or after-the-fact role in dealing with crime. It requires immediacy in responding to an incident, which increases the likelihood of catching the offender. This strategy exists in traditional policing, in which officers are more likely to answer calls and take reports about recurring problems in their communities.

OBJECTIVES

LE038.1. Identify the need to inspect duty equipment to ensure functionality and promote officer safety.

LE670.1. Attend a law enforcement operational briefing to exchange specific types of information for effective performance while on patrol.

LE047.1. Describe the function of a BOLO.

LE047.2. List the criteria to include in an effective BOLO.

LE047.3. Identify when to begin the process for initiating a BOLO.

LE047.4. Identify when to begin the process for canceling a BOLO.

Proactive patrol discourages criminal activity through an officer's visibility. To make their presence known, officers must continuously travel through the patrol area and speak to people for short periods. Making one-on-one resident contact provides interaction with the public, creating a network of potential information.

Preparing to Patrol

Duty Equipment Inspection

The equipment used while on patrol is vital to an officer's safety and effectiveness. Because officers rely on these tools, they must routinely ensure that each piece of equipment is in working order, is fully equipped, and is safely stored. Prior to each shift, inspect items on your duty belt to ensure all equipment is present and functional. Officers should have a functioning flashlight for every shift. Inspect patrol vehicles to ensure all equipment is in working order, and make sure preventive maintenance of the vehicle is current. Regularly verify the functionality of emergency equipment such as fire extinguishers, biohazard gear, and first aid kits. Never assume that others have maintained equipment.

Roll Call

Roll call is a brief meeting officers attend before each shift. It provides information about current issues to keep in mind while on patrol. Information shared at roll call comes from oral instruction from supervisors and the records and reports of officers from previous shifts. Some agencies distribute information via computer systems, radios, telephones, or other media. Officers should record all roll call information that may affect their shifts, including BOLOs (Be On the Look Outs), addresses that require or request extra patrol, wanted and missing persons, stolen vehicles, stolen and lost vehicle tags, suspicious incidents, officer safety bulletins, and safety concerns.

BOLO

BOLO stands for "Be On the Look Out." Local, state, or national agencies issue BOLOs that may include descriptions of missing or wanted persons, stolen property, suspicious activity, or areas needing extra patrol attention. Because BOLOs can contain a wide range of information, they have no standard format or content. They may include printed information, photographs, verbal reports, electronic messages, or internet postings. The BOLO should include as much of the following information as possible:

- the subject's name and identifying information
- location of the incident
- reason for the BOLO
- alleged violation or reason the subject is wanted
- last known mode and direction of travel
- person, vehicle, or property description or photograph

Officers should follow agency policy regarding BOLOs. If you arrive at the scene of an incident and are required to issue an immediate BOLO, relay all significant information to dispatch. If the need for a BOLO is not immediate, continue to gather and verify information to prepare a written BOLO.

If you do not have sufficient information on a suspect, run a criminal justice database check for outstanding warrants, criminal history, and any additional information to include in the BOLO. Possible sources of photographs are prior arrest photos, driver's license photographs, security videotapes, and photos obtained from family members.

BOLOs will also include:

- Amber Alerts for missing and endangered children
- Silver Alerts for missing and endangered adults
- Blue Alerts for the apprehension of violent criminals who kill or seriously injure law enforcement officers

Note the major points of each BOLO. Review information from current BOLOs to keep the information fresh while patrolling the assigned area.

Cancel BOLOs when the subject of the alert is accounted for. The officer or dispatch will ensure the cancellation through the appropriate messaging system.

Becoming Familiar with the Patrol Area

One of the first things patrol officers learn is the layout of their assigned area, district, or jurisdiction. Their patrol areas may remain the same or change daily depending upon factors related to staffing, call volume, and individual assignments. Before going on patrol, identify the boundaries of the assigned patrol area. Becoming familiar with the assigned area by learning major roadways, landmarks, and community resources will enable you to respond quickly. Always have a map with important landmarks and patrol areas highlighted.

Repeated calls for service in a particular location may present an opportunity for you or your agency to initiate crime-prevention programs and promote local civic meetings. An officer should identify groups such as the neighborhood watch, business owners, mail carriers, utility and sanitation workers, newspaper delivery people, or anyone who walks or drives through the neighborhood on a regular basis. Be familiar with the community's resources such as shelters, social service agencies, or internal agency resources.

Throughout a shift, an officer's patrol status will change. Notify dispatch of any changes to your availability and location while on duty. Knowledge of the patrol area allows you to recognize suspicious activity. **Suspicious activity** is any activity that is abnormal for a specific time of day in a particular area. However, it may not be criminal activity.

Knowledge of the law and good observational skills assist officers in determining whether the suspicious activity is a crime in progress. For example, when a shop that normally opens at 9:00 a.m. is not open by 11:00 a.m., you should investigate for possible criminal activity.

Identify and remove dangers that pose a threat to public safety by doing things like removing the door of a discarded refrigerator or reporting a broken street light. This kind of proactive patrolling alleviates potential hazards and protects the community.

SECTION VOCABULARY*roll call**suspicious activity***Patrol Methods**

There are various methods of patrol. The three most common types are vehicle, foot, and bicycle. Other forms of specialized patrol include marine, mounted, air, ATV, motorcycle, and personal transporters, e.g., Segways. The area to be patrolled should dictate which type to use. While using a vehicle permits the coverage of larger areas, it also can isolate officers from the public and divert their attention. The advantages of foot patrol include being visible to the public, greater accessibility to the community, and the ability to closely investigate community concerns and observe activity in specific areas.

Patrolling on foot during the day and night have separate advantages. During the day, officers are highly visible to the public and have greater access to the environment they are patrolling. This increased access can help you observe minor details in your surroundings more efficiently.

At night, you can use darkness to conceal your approach to various situations or calls for service. Day or night, vary your patrol routine to keep others from predicting your patrol patterns.

A combination of vehicle and foot patrol allows officers to cover a large area and closely observe specific areas.

UNIT 5 | RESPONDING TO CALLS

LESSON 1 | Initial Response

LESSON GOAL: At the end of this lesson, you should understand how to properly respond to calls for service, safely assess a situation upon arrival, and contact witnesses and complainants at the scene.

When receiving a call, an officer should evaluate the situation based on information relayed by dispatch. Though incidents vary, officers use the same basic steps when responding to calls for service. Once dispatch has notified you of an incident, you should respond and confirm that you are en route.

Responding to the Call

To locate areas quickly, officers may have access to electronic mapping systems. Update these systems to remain current. Keep maps in your patrol vehicle. When selecting a route, identify the safest and quickest route to the location. The most direct route may not be the quickest because construction projects, street closings, or special events may present obstacles. Always consider traffic, the time of day, school zones, and congested areas before determining which route to take.

Collect as much information as possible about the call to make a preliminary assessment. Identify the nature and location of the incident as well as the complainant's name and relationship to the location. You may need to determine if there have been other incidents at this location and the nature of those. Use personal knowledge or information provided by dispatch to identify the risks in the area. Dispatch may also inform you if someone is injured.

While en route, consider the safest arrival point and the potential threats at the incident. Threats may include weapons (firearms, knives, or explosives), potential weapons (broken glass, stones, sticks, baseball bats, or branches), and hazards (fire, downed electrical lines, or bad weather). These factors affect the number of officers that respond to a scene.

The nature of the call will determine whether to activate emergency lights and sirens. Consider how to properly approach a situation. An officer should turn off emergency lights and sirens and reduce speed prior to arriving, for example, at the scene of a robbery in progress.

Depending on agency policies, officers can turn off the vehicle headlights at night in order to avoid detection when approaching a scene.

OBJECTIVES

LE726.1. Evaluate information received from dispatch prior to arriving at the scene to ensure officer safety.

LE726.2. Communicate officer status with dispatch upon arrival and throughout the incident to ensure officer safety.

LE726.3. Determine a course of action after surveying the scene for threats, injuries, and the need for additional resources.

LE726.4. Identify what happened, who was involved, and possible suspects by interviewing the complainant, witness(es) and victim(s).

Plan your route to the location of the call in order to avoid driving past the address and alerting the suspects of your presence. Officers should turn down the volume on radios when notifying dispatch of their arrival.

Determine the safest approach to the scene that will protect you, other officers, and the public. Once you have arrived at the call, stop a short distance from the address. If other units are responding, you and other officers should coordinate the direction from which you all will arrive. Officers must determine the appropriate place to park. To determine this location, consider factors such as a safe distance from the incident, availability of cover and concealment, access to the scene by other first responders and backup units, and the ability to evacuate quickly.

Arriving at the Scene of the Call

Once on the scene, conduct a preliminary assessment of the area immediately surrounding the patrol car. Communicate descriptions of suspicious vehicles or people leaving the immediate area to dispatch. These descriptions may assist with the apprehension of any suspects. Be aware of parked cars with motors running and look for hidden suspects, evaluating for a potential ambush. An accomplice could be acting as a lookout or waiting in the area. If the call is a crime in progress, look for fleeing suspects.

Officers should check for obvious clues, such as a vehicle parked in a lot which is normally empty at that time of day (or night) or the absence of a vehicle usually parked in a specific location. When exiting the patrol vehicle, close the door gently and quietly. Be conscious of items on your person that make noise. Use the following safety techniques when preparing to approach the scene:

- secure the contents of your pockets and equipment on your duty belt
- turn cell phone to silent mode
- avoid backlighting/silhouetting other officers
- use cover and concealment—vehicles, landscape, fencing, or shadows
- Scan the environment for potential threats.
- Maintain contact with dispatch throughout the incident.

Officer Safety When Approaching the Scene

Immediately identify areas for cover and concealment. Take and maintain the best tactical position, especially if you are waiting for backup. Once in a cover or concealment position, identify places where a suspect could be hiding, such as rooftops or nearby vehicles. Approach suspicious vehicles on foot and carefully check for occupants. Feeling the hood of a vehicle for heat may help determine if the vehicle was driven recently.

Officers should get close to buildings by moving behind parked cars, fences, trashcans, or shrubbery.

Walking in a low crouching position and taking an indirect route will help minimize the chances of detection. Constantly survey the building entrances and surrounding areas to ensure safety. When checking the exterior perimeter of a building, use caution in approaching corners, windows, and doors.

Remain conscious of animals, clotheslines, garbage cans, sprinkler heads, swimming pools, and other possible hazards.

When using a flashlight to examine the perimeter of a building, carry the flashlight in your support hand (your nondominant hand) and hold it away from your body to avoid presenting a clear target. After shining the flashlight in an area, you should immediately move to a new position. Be aware of the presence and location of other officers, making sure the light does not illuminate them. Because a flashlight temporarily impairs night vision, you must know where to aim the light before turning it on to avoid blinding other officers.

As soon as possible, the first responding officer should make an initial determination regarding the type of incident and the need for backup. Determine whether any person has been injured and the extent of the injuries. Apply first-aid procedures and request appropriate medical assistance through dispatch. If you find that there is a need to preserve the scene for investigative purposes, you should use the available resources based on location.

Gathering Information from Complainants, Victims, and Witnesses

At the scene of an incident, officers must identify all involved parties. These include complainants, victims, suspects, and witnesses.

By assessing the scene and making initial contact with all involved parties, you can determine the type of complaint (civil, criminal, felony, or misdemeanor). Identify how much time has passed since the incident occurred. If the suspect is not on the scene and cannot be readily pursued, you can alternatively interview victims and witnesses to gain identifying suspect information.

When interviewing a victim, witness, or complainant, request identification and personal information such as proper names, addresses, phone numbers, and other contact information. Ask the victim or witness to describe what happened, then use follow-up questions to clarify the incident. Ask the victim or witness to describe the suspect. Is the victim willing to identify the suspect later? These questions will help establish probable cause in the investigation. Detailed field notes of these accounts are important for documentation.

If victims or witnesses know the suspect, they may also know other information that can help locate that individual. Through questioning, attempt to gather the following information:

- the suspect's location
- the suspect's identity and a description
- if the suspect is inclined to be violent; if the suspect has access to weapons
- the suspect's mode and direction of travel

These facts may help you locate the suspect. If required, obtain written statements, which aid in establishing probable cause for future arrest.

UNIT 5 | RESPONDING TO CALLS

LESSON 2 | Approaching and Contacting the Suspect

OBJECTIVES

- LE714.4.** Describe observational techniques for safely approaching a suspect.
- LE714.5.** Identify factors that compromise officer safety.

LESSON GOAL: At the end of this lesson, you should understand how to safely approach and interact with a suspect.

Approaching the Suspect

When developing a plan for contacting a suspect, officers should decide whether to contact the suspect immediately or wait for backup. Officers should select an appropriate location and identify possible hazards. When approaching a suspect, consider the suspect's criminal history, behavior, and the possible presence of weapons. Always watch the person's hands and body language when talking with a suspicious person. Watch for inconsistencies, such as a suspect claiming to have come from one direction while pointing in another. Be mindful of the presence of other people and possible escape routes for the suspect. Multiple suspects have the potential for adding extreme risk to an officer. Coordinating backup officers and establishing suspect control is critical to officer safety.

If a suspect flees when an officer attempts to make contact, the officer must determine the legal justification for a detention, basing it upon the facts and circumstances known at the time. Without reasonable suspicion, a detention may be unlawful.

Contact and cover is an effective technique for keeping safe when approaching a suspect. It is a coordinated effort between a contact officer and a backup or cover officer. Each officer operates with a specific coordinated plan for approach. Usually, the primary officer on the call is the **contact officer**. This officer is responsible for directing the approach and handling all communication with the suspect, including commands and interviews.

The backup officer is the **cover officer** and is primarily responsible for officer safety concerns at the scene. The cover officer's responsibilities include observing the contact officer's interaction with the suspect and watching for hazards such as hostile crowds, traffic, or escape routes. Additional officers share cover responsibilities and assist the contact officer as requested.

Initiating Contact and Establishing Communication with a Suspect

When moving toward a suspect, do the following actions:

- approach the suspect cautiously
- maintain visual contact with the suspect

- ensure that you keep a safe distance between yourself and the suspect
- stay alert to potential resistance or threats
- observe the suspect's position and body movements for indications of flight or assault
- continuously scan for weapons

During a stop, officers should ask for information such as name, date of birth, address, Social Security number, and legal identification cards. Verify a suspect's identity via criminal justice databases, and check this against the information that the suspect has provided. Continue to seek information by interviewing and observing the suspect. If you have an articulable reason that the suspect poses a threat or may flee, handcuff the suspect upon initiating contact. However, if the reason is dispelled, you should remove the handcuffs. When you believe the suspect is armed with a dangerous weapon, conduct a pat-down.

Share all current information on the suspect with backup officers. If appropriate, establish a rapport with the suspect to create a noncustodial atmosphere, which can help with other investigative efforts like obtaining the suspect's consent for a search. If the interview becomes custodial and you want to continue with questioning, you must advise the suspect of his or her *Miranda* rights.

Suspect Outstanding Warrant Check

If a criminal justice database, such as FCIC/NCIC, reveals an unrelated outstanding warrant, officers have the authority to arrest the suspect if teletype confirms the warrant. Upon confirmation, place the suspect under arrest and transport him or her to the appropriate facility. If the issuing agency waives extradition or does not confirm within a reasonable amount of time, the suspect must be released. Follow agency policy regarding the documentation of your actions.

SECTION VOCABULARY

contact officer

cover officer

UNIT 5 | RESPONDING TO CALLS

LESSON 3 | Responding as Backup

OBJECTIVES

- LE652.1.** Determine if the scene warrants an emergency or nonemergency backup response based on the incident circumstances and officer safety.
- LE652.2.** Describe situations that would increase or decrease the emergency level of the backup response.
- LE652.3.** Identify how to safely approach the scene based on the incident circumstances when providing officer backup.
- LE652.4.** Describe the type of assistance that the primary officer may need when providing backup.

LESSON GOAL: At the end of this lesson, you will understand how to properly respond to a call for backup.

You will frequently be called to aid fellow officers during calls for service. Calls for backup assistance may involve tending to non-life-threatening, high-risk, or life-threatening situations.

Non-life-threatening situations can range from assisting with administrative paperwork to providing additional equipment. High-risk situations may include assisting with serving a warrant or responding to a vehicle pursuit. Life-threatening situations include encountering incidents such as handling an active shooter or a vehicle crash with serious injuries.

Responding backup officers may gauge their responses based on factors that may include the nature of the call, the type of assistance needed, their familiarities with the area, or the demeanor of the requesting officer. Officers should continue to monitor communications. As additional information is provided, officers will be able to determine whether to elevate or downgrade their response. For instance, a backup officer may respond in emergency mode to assist another officer engaged in a foot pursuit. If the primary officer advises dispatch that the suspect has been apprehended and the situation is under control, the backup officer should downgrade his or her response.

Upon arrival, survey the scene and maintain situational awareness. The type of call will dictate a backup officer's approach. Backup officers should be quiet and minimize flashlight use. Doing so ensures the safety of other officers on the scene. The backup officer should make visual or verbal contact with the primary officer to determine what type of assistance is needed. The backup officer's role on a scene is to provide whatever assistance the primary officer needs.

UNIT 5 | RESPONDING TO CALLS

LESSON 4 | Establishing a Perimeter

LESSON GOAL: At the end of this lesson, you will understand the purpose of, and how to, establish a perimeter.

Establishing a Perimeter

A *perimeter* is the area surrounding an incident that officers may cordon off to prevent unauthorized people from leaving or entering. The size and scope of the perimeter will be determined by the nature of the incident. It may also include natural or manmade obstructions.

Situations will occur where a perimeter will be necessary. These situations may include pursuing suspects, securing a crime scene, high-risk situations, special events, or any incident where an area's access needs to be restricted. Maintaining an effective perimeter may involve the coordination of multiple officers and resources. It is best to start with a large perimeter. As the situation changes, officers can adjust the perimeter accordingly.

The primary officer or a supervisor will determine the need for a perimeter and necessary resources. A basic perimeter can be set with minimal resources, usually at least two officers. Other resources may be used depending on the type of incident, time lapse, and geographic configuration of the area. Resources may include additional manpower, a helicopter, or canines. Enough perimeter resources should be used to contain the suspect(s) or area and keep people from entering into a potentially dangerous area. Resources should be positioned in such a manner that best protects the safety of the public while limiting the movements of contained suspects. Officers should be able to maintain visual contact with each other to prevent anyone from entering or leaving a secured area without being seen. Officers should be positioned so they will be able to take immediate action in the event someone attempts to enter or leave the perimeter. The use of vehicle headlights, spotlights, barricades and natural boundaries will assist in maintaining a perimeter when resources are limited.

Officers and resources should be positioned and coordinated by a commanding officer or one central command post. The safety of the public is the paramount concern. The types of situations calling for a perimeter may change constantly. Perimeters should be adjusted as necessary to keep officers and the public safe.

The perimeter will be implemented and officers assigned to posts will ensure its integrity through constant observation and activities. Perimeters can be effective with limited resources by good planning and positioning. Maintain your post until relieved or relocated, or until the situation is resolved.

OBJECTIVES

- LE804.1** Define perimeter and its use to ensure officer and public safety.
- LE804.2.** Identify resources available to establish a perimeter.
- LE804.3.** Identify how to establish a perimeter to ensure public safety.
- LE804.4.** Describe how to monitor a perimeter for any change of status.

SECTION VOCABULARY

perimeter

UNIT 5 | RESPONDING TO CALLS

LESSON 5 | Conducting Building and Ground Searches

OBJECTIVES

- LE089.1.** Determine legal requirements for conducting a search of a building or grounds for a suspect.
- LE089.2.** Request additional resources when necessary for conducting a thorough search of a building or grounds for a suspect.
- LE089.3.** Ensure the safety of noninvolved people prior to searching the building or grounds for a suspect.
- LE089.4.** Describe effective techniques for conducting a search of a building or grounds for a suspect.

LESSON GOAL: At the end of this lesson, you will understand the steps necessary to conduct a legal and tactically sound building or grounds search.

Building Searches

At times officers will be required to conduct building searches, including calls for alarms, open doors, burglaries, and trespassing. Some of these incidents may create urgent circumstances. Officers must determine the legal basis for entry prior to a search. If necessary, the exterior of the building should be secured with a perimeter. Uninvolved people should be directed to a safe location. If possible, you should gain access to the property through a representative of the property.

Avoid searching alone and use additional resources, including other officers and a canine unit if available. When working with a partner, both officers must establish a plan to search and secure the building.

Be aware of noise-making factors that may reveal your location during a search, such as keys, loose change, cell phones, and radio volume. When using a flashlight to search a building, you must be aware of the presence other officers and their locations, making sure the light does not illuminate them. Hand signals can be used to communicate. Use good tactics for teamwork, and avoid becoming separated. Using these methods allows officers to cover each other and reduces the risk of crossfire.

The greatest threat in a building search is the possibility of a hiding suspect. A suspect in a building must always be considered armed and dangerous. Officers should conduct a thorough, methodical search. Failure to do so can lead to fatal results.

Prior to Entering a Building

Determine how to enter based on how the doors and windows open. For example, prior to entering, note which direction the door opens by locating the hinges. Whatever the entry point, officers must use tactics appropriate for the situation. Generally, officers will enter buildings through a doorway.

Prior to entering a building, draw your firearm, knock, and announce your presence to allow occupants to exit or suspects to surrender. When practical, assume a low position on either side of the door and avoid being an exposed target to someone inside. Never enter too quickly. Stop, look, and listen. If someone answers the door, visually check that person for weapons.

Officers should be cautious of suspects that may be hiding behind doors. The officers should maintain visual contact and communicate, and be aware of each other's actions. If either officer faces a threat, give loud verbal commands. This will also alert an officer's partner to the situation and the threat. Do not assume that your partner sees and hears everything you do.

Systematically search the structure, keeping track of cleared rooms or areas. If you feel it is safe, turn on interior lights to help clear the building.

Entering and Clearing a Building

Prior to entering a room, an officer should visually clear as much of the room as possible. A technique for visually clearing a room is "cutting the pie" or "edging." Officers should stand to one side of the door and scan as many parts of the room as possible. When you enter a room, you should move deliberately.

As officers move through a building, they need to remain aware of narrow spaces that restrict movement; these are commonly referred to as *fatal funnels*. Fatal funnels are typically doorways, hallways, and windows. The corners that cannot be visually cleared from the doorway (also known as *deep corners*) must be checked first upon entry. When you encounter these areas, ensure that the area is clear of threats and dangers before moving through them.

Two common methods for entering a room are the crisscross and button hook. In the crisscross technique, officers start on opposite sides of the doorway. They enter rapidly, one after the other, crossing to the opposite sides (see Figure 5-3, right).

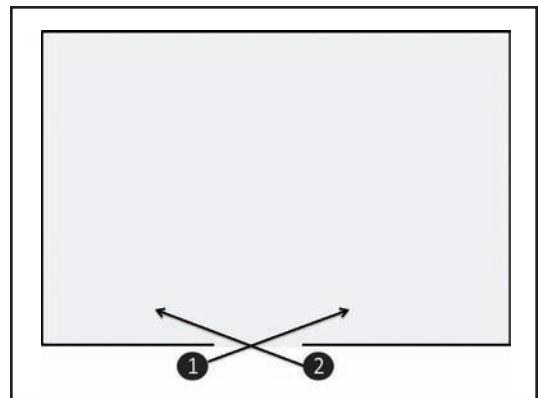
In the buttonhook (wraparound) technique, an officer and a partner enter the room by hooking around the corner at the point of entry. They stand on opposite sides or on the same side of the door. They should wrap around the wall and into the room (see Figure 5-4, below right).

Upon entry, clear the room for any immediate threats, starting with the deep corners. It is important to stay together and search each room thoroughly before moving to the next. After searching each room, officers should consider securing the room by closing the door or keeping the room under observation.

Encountering People During a Search

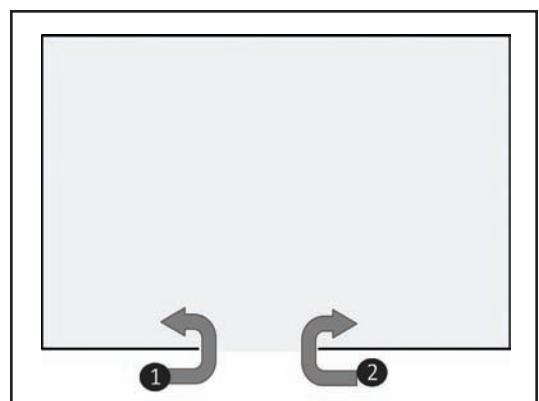
During a search, officers may encounter people who have a legitimate reason to be in the building, including employees, residents, cleaning personnel, or others. Consider any people in the building a potential threat until you or another officer determines their status.

A person may provide information regarding the incident. This could determine officers' next course of action. If you encounter an unverified subject, contact and detain that subject until you confirm his or her identity and status. Even if a suspect is located, continue to search and clear the remainder of the building.



Crisscross diagram

Figure 5-3



Buttonhook diagram

Figure 5-4

SECTION VOCABULARY*fatal funnel**deep corners*

If no crime was committed, or the investigation is complete, officers should return control of the premises to the person who has the keys to the building.

Special Considerations

During the search, officers will encounter a number of factors that will affect their tactics. These will include stairways, locked doors, closets, dead ends, and various other barriers. If officers determine a suspect is hiding in a structure, they must proceed with caution, following agency policy with regard to dealing with a barricaded suspect.

Ground Searches

Often, suspects flee into an open area, the grounds surrounding a structure or into a neighborhood or business area. Officer safety is always the primary concern; request backup and resources as necessary. The techniques for searching grounds are comparable to building searches:

- Working with a partner is safer than working alone.
- Avoiding exposing yourself as a target.
- Use available cover and concealment.
- Be aware of the noise you are making; move only as fast as you can to remain safe.
- Coordinate with other officers to avoid crossfire situations.
- Be aware of areas that present a higher threat, such as low light or potential hiding areas.

Additional concerns that may complicate outside searches can include:

- uneven and varying terrain
- ambient lighting
- access to elevated hiding areas (trees, rooftops, etc.)
- members of the public walking into the area
- weather

Exterior searches are more difficult to contain than a building. The officers must set the perimeter accordingly and be aware of all potential avenues of escape.

UNIT 6 | ARREST PROCEDURES

LESSON 1 | Taking Custody of the Suspect

LESSON GOAL: At the end of this lesson, you should understand how to make an arrest, pursue a suspect on foot, and transport a prisoner from the scene to a booking facility.

Making a Physical Custody Arrest

Take certain steps when making a physical custody arrest. Officers should inform suspects that they are under arrest and the reason for the arrest. They should also ask suspects if they understand the charges. If custodial questioning is necessary, you must issue the *Miranda* warning. In accordance with agency policy, officers should properly handcuff suspects before searching for weapons or contraband. Perform a custodial search using proper techniques. Any illegally possessed contraband must be seized and marked in the same manner as other evidence. While some contraband will be kept as evidence, some items are marked for destruction. The seizure and destruction process must be documented.

At times, it may be necessary for officers involved in an arrest situation to provide information to victims, witnesses, and possibly the arrestee's family members, all of whom may have a direct interest in an incident. Whenever reasonably possible, an officer may provide general information to these individuals. This may include explaining the charges being made, where the arrested person will be taken, explaining bail procedures, or how that information can be obtained.

Officers must remember that state law and department policies will regulate the dissemination of information that can be released to the public. When in doubt, officers should consult a supervisor or consider notifying the agency public information officer (PIO) before releasing any information to the public. Officers must remember that the investigative process does not necessarily stop once an arrest has been made. Information released too soon about evidence, potential witnesses, or any other aspect of the crime may hinder the investigative process.

In the case of a high profile arrest, the media may be present to ask many detailed questions. Most agencies have a designated PIO who is responsible for releasing information to the media. The PIO will be informed of the situation and prepare a response to media requests.

OBJECTIVES

LE100.1. Identify the steps needed to make a safe and lawful arrest.

LE267.1 Seize and secure contraband.

LE095.1. Explain the arrest process to family or involved people.

LE095.2 Explain why announcement of a high profile arrest involves notification of the supervisor and the use of the public information officer.

LE656.1. Determine how to safely pursue a suspect on foot.

LE044.1. Describe how to conduct the safe escort of a prisoner on foot.

LE018.1. Explain situations that require a custodial transport with an agency vehicle.

LE018.2. Explain how to safely restrain and secure a person and property for custodial transport in an agency vehicle.

LE018.3. Safely transport a person in custody to another location in an agency vehicle.

LE018.4. Safely transfer the person and property to the receiving facility.

LE356.1. Describe how to store an officer's weapons safely prior to entering a secured facility.

Foot Pursuit

Officers should realize that mere flight does not equal probable cause for arrest but contributes to reasonable suspicion to detain for investigation. It is the arresting officer's responsibility to articulate the probable cause to support an arrest (for example, possession of a weapon or narcotics).

When officers have reasonable suspicion to detain a suspect and the suspect flees, the involved officers should make a quick assessment of the situation. Prior to a foot pursuit, officers must evaluate the legal authority to pursue.

During a foot pursuit, you must clearly communicate your location, direction of travel, and a description of the suspect. Continuously update this information. This will allow responding officers to provide support and establish a perimeter.

Considerations during a foot pursuit include:

- probability that the suspect is armed
- seriousness of the offense committed
- threat to officers and the public
- location and potential for ambush
- time of day and weather conditions
- known suspect/ability to apprehend at a later time
- number of officers vs. number of suspects at the scene
- physical limitations and capabilities of officer and suspects
- availability of additional resources, such as canine, air support, or SWAT
- securing the patrol vehicle
- the suspect's familiarity with the area

Attempt to maintain visual contact with the suspect. It is common for fleeing suspects to get rid of evidence or contraband. Immediately alert assisting officers to the location of discarded items. A foot pursuit is an ever-changing, stressful event; you must constantly reassess the situation during the pursuit.

The officer needs to be aware of the physiological effects of stress and fatigue, such as selective hearing, tunnel vision, and rapid breathing. Pursuing with a firearm in hand presents a number of significant safety hazards. Deciding whether to pursue with a drawn firearm is dependent on the circumstances. If you lose sight of the suspect, be aware of the possibility of an ambush. Determine whether to continue or stop the pursuit. Certain conditions will present increased risks, such as corners, fences, wooded areas, swimming pools, and animals. When going around blind corners, slow down and tactically clear the corner. If you lose radio contact with dispatch, re-evaluate the decision to pursue. The pursuit may be terminated when:

- the suspect is apprehended
- the suspect's location is unknown
- the officer is unable to continue due to injury, fatigue, or unfamiliarity with the area

- the suspect's identity is established and he or she is no longer a threat
- radio communication fails
- a supervisor terminates the pursuit

Escorting the Prisoner to the Patrol Vehicle

During the entire escort, the officer must maintain physical control of the prisoner. The escorting and transporting officers should always search prisoners, never assuming they have already been searched before placing them in the transport vehicle. The officer should secure all items removed from the prisoner.

Securing and Transporting the Prisoner

Officers will be required to transport subjects in custody under a number of conditions, such as prisoner transport, involuntary committals, and juvenile status offenses.

Securing the Prisoner in a Vehicle

Officers should handcuff and thoroughly search prisoners prior to securing them in the vehicle. Conduct a search of the transport area. Maintain physical contact while placing the prisoner in the rear seat of the patrol vehicle, instructing or physically guiding the prisoner as needed. If the arresting officer encounters resistance while loading the prisoner, he or she should respond with the appropriate level of force and restraint devices according to agency policies or guidelines.

Officers also may encounter additional obstacles such as the prisoner's size, health or medical condition, which may require adjustments to the transport procedure. Options might include requesting a larger transport vehicle or an ambulance, or adjusting the prisoner's position. The prisoner should be secured by the active restraint devices of the vehicle, including seat belts, the transport leg bar, or another type of restraint device. Any property collected will be kept separate from the suspect and stored in a secured location, i.e., the trunk or front seat. Officers should document all of the prisoner's property according to agency policy.

Transport Considerations

Transportation in a nonpartitioned vehicle should only occur if no other options are available. A second officer may ride next to the prisoner. If you must do so, refer to agency procedures. Be sure to inform dispatch if transporting a prisoner of the opposite sex. Officers should know whether their agency's policies require special procedures such as audiotaping or videotaping the transport. These guidelines protect the officer and the agency from unfounded misconduct charges.

An officer cannot transport a juvenile in the same vehicle with an adult prisoner unless they are codefendants. Officers should know whether their agency's policies require special procedures.

Notify dispatch if you are transporting an ill prisoner to a medical facility or if EMS has been requested. When an ambulance is required for prisoner transport, follow agency policy regarding officer responsibility to accompany the prisoner.

When transporting a prisoner with a physical, sensory, or language disability, transport procedures should be adjusted as needed without compromising officer safety. In some cases, the officer may need to request an ambulance for transport. A prisoner with a sensory disability may require help entering the transport vehicle.

Law enforcement officers are called upon at times to transport prisoners already incarcerated or detained in a correctional institution.

For a prisoner who is known to be pregnant and in her third trimester, or who is in labor, delivery, or postpartum recovery, restraints may not be used unless the officer makes a determination that the prisoner presents a substantial flight risk or some other extraordinary medical or security circumstance dictates that restraints be used.

Because of the legal restrictions on the types and placements of restraint devices on pregnant prisoners, officers should follow their agency's policy. See s. 944.241, F.S.

Before transport begins, call dispatch and provide the current location, destination, and beginning vehicle mileage. Consider weather conditions and extreme temperature if you cannot transport the prisoner immediately after loading. Make every effort to transport in a timely manner.

Arrival at the Destination

Upon arrival, an officer should communicate the final location and ending vehicle mileage to dispatch. Approach the appropriate drop-off point, and obtain clearance to enter. After arrival at the detention facility, secure weapons in a locked location, such as the patrol vehicle's trunk, a weapons locker, or a lock box at the drop-off point. Your agency and the detention facility will specify acceptable locked locations.

Gather all personal property taken from the prisoner, and then safely remove the prisoner from the patrol vehicle. Maintain physical control of the prisoner during escort into the facility. Use verbal commands and physical direction. The officer is responsible for the prisoner until the prisoner is received by facility staff. Secured facilities can present certain hazards and dangers. Officers need to be aware of their surroundings. Following a prisoner transport, thoroughly search the passenger compartment as soon as practically possible.

UNIT 6 | ARREST PROCEDURES

LESSON 2 | Processing the Prisoner

LESSON GOAL: In this lesson, you will understand the proper procedures for prisoner intake and processing.

Entering the Detention Facility

Many agencies use booking or intake officers (law enforcement or correctional officers) at the county jail to perform some or all functions for the arresting officer. These facilities have their own policies and procedures, and officers must know and adhere to them.

Inform the intake officer about:

- the charges against the prisoner
- any injuries the prisoner has
- if the suspect is a juvenile
- if the prisoner was contaminated with pepper spray
- if an electronic control device (such as a TASER®) was used
- threats made by the prisoner to self or others
- any known medical conditions

The transporting officer needs to give the booking officer any personal property, not including contraband, removed from the prisoner and bagged at the scene. Then, the transporting officer should transfer custody of the prisoner to the booking officer. The arresting officer must complete the arrest affidavit. This document must be completed and submitted to the booking officer.

Booking

After the transfer, the booking officer processes the prisoner. Many agencies use booking or intake officers at the jail to book, fingerprint, and photograph prisoners. Other agencies require the arresting officer to perform these tasks.

Before beginning, the booking officer performs another full, detailed search of the prisoner. Next, that officer should try to confirm the prisoner's biographical information by asking for verbal identification and then requesting legal identification. Photo identification such as a driver's license or other government-issued identification is preferred. If the prisoner cannot or will not provide identification, he or she should be processed as John or Jane Doe. Obtain important information such as medical conditions. If the prisoner has physical or mental illnesses that require attention,

OBJECTIVES

LE101.1. Assemble complete and accurate documents for processing the suspect at the receiving agency.

LE101.2. Explain booking procedures to the arrestee, to include taking photographs and fingerprints and the inventory of the arrestee's personal property.

LE101.3. Advise receiving facility staff of any known medical conditions or threats made by the arrestee.

LE101.4. Describe the procedures for processing a juvenile in an adult detention facility.

LE101.5. Submit evidence when processing a suspect in accordance with agency policy and procedure.

alert appropriate facility personnel. The officer should make sure that the prisoner is advised of the charges against him or her. During this part of the intake, the transporting officer or the booking officer should verify that an FCIC/NCIC check has been conducted.

The officer should inventory and describe all property belonging to the prisoner. The officer must itemize, tag, or otherwise properly identify all items taken. Different agencies and/or detention facilities can require different information.

Place all items in a property container and secure it in a designated repository. Taking accurate inventories and securing a prisoner's property protects the officer and the agency from theft accusations and maintains the chain of custody for items that are evidence.

During the booking process, all evidence or contraband should be kept separate from the arrestee's personal property and in a secure place until the arresting officer can properly package and submit the items. This action will prevent the evidence and/or contraband from mixing with other arrestees' property in the booking area and will also prevent theft or destruction of evidence by an arrestee. All property, whether evidence of the crime or seized contraband, must be properly processed and packaged for safe keeping in accordance with agency policy. By adhering to established procedures for submitting evidence, the officer will maintain the "chain of custody" and reduce any legal challenges.

Processing a Juvenile

An officer may take juveniles to an adult jail or police lockup for temporary custody for no more than six hours or for the purpose of fingerprinting and photographing as long as the juvenile is out of the sight and hearing of adults. Most juveniles in adult jails or police lockups are awaiting transport to an appropriate facility or are in pre- or post-court holding. Exceptions apply to a juvenile charged as an adult or apply when the court has emancipated or adjudicated the juvenile as an adult. Verify a juvenile's legal adult status through the Department of Juvenile Justice (DJJ), court records, or criminal histories.

Diligent efforts must be made to notify parents within a reasonable period of time after their child's arrest. A juvenile cannot be released on his or her own recognizance when custody is terminated. An adult relative or a qualified adult or organization must take custody of the child from the officer and acknowledge the action by signing booking forms or charging documents. A detaining officer is responsible for a juvenile who suffers from a medical abnormality, mental illness, or the effects of substance abuse. The responsibility is the officer's until parents, guardians, or a representative of the Department of Children and Families assumes responsibility. Agencies may have additional policies and procedures for processing a juvenile.

Fingerprinting and Photographing the Prisoner

Fingerprinting creates a permanent physical record that law enforcement agencies use to identify a person, alive or dead, and compare with unknown prints.

According to Florida Statutes 943.052, the fingerprints, palm prints, and facial images of each adult charged with or convicted of a felony, misdemeanor, or violation of a comparable ordinance by a state, county, municipal, or other law enforcement agency shall be captured and electronically submitted to the Florida Department of Law Enforcement.

Record all personal information about the prisoner, including name, race, sex, date of birth, Social Security number, criminal charges, and case number.

Remember that FCIC/NCIC derives criminal history data from fingerprint cards as well as arrest and correctional reports, so it is extremely important to complete them accurately. Photographs taken at booking provide a visual record of each suspect. Many facilities can access existing photos from prior bookings rather than taking new photographs. If necessary, officers should learn agency procedures for taking prints and photographing prisoners.

Documenting the Arrest Process

If video or audiotape systems are used to document all or part of the contact, arrest, or transport, the tape becomes part of public record under Florida's public records law, chapter 119 of the Florida Statutes. It must be kept in its original form as required by statute. When the paperwork is completed and filed, an officer should advise dispatch of the call's completion and its final disposition. Completing and accurately documenting arrests should clearly convey investigative facts to assist in prosecution.

CHAPTER 6

Calls for Service

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Most law enforcement officers spend the majority of their time patrolling an assigned area. While patrolling, officers will respond to a variety of calls for service, which will vary between noncriminal and criminal incidents. A noncriminal call for service may range from a request for information to performing a security check of a structure. Criminal calls for service are any incidents involving an alleged violation of criminal law. This chapter provides an overview of the more common calls for service that an officer may encounter. Officers must maintain professionalism and situational awareness at all times when responding to any call for service.

UNIT 1 | COMMUNITY SERVICES

LESSON 1 | Assisting the Public

OBJECTIVES

- LE640.1.** Describe a safe response to a call for service that is noncriminal in nature.
- LE640.2.** Determine what assistance is needed during a noncriminal incident by interviewing the complainant in a professional manner.
- LE640.3.** Provide assistance as appropriate by evaluating the information obtained from the complainant.
- LE077.1.** Determine the level of assistance needed at the incident by assessing the circumstances at the scene.
- LE077.2.** Determine the ability of the residents at the scene to assist safely.
- LE077.3.** Describe instructing the public while lawfully assisting during an incident.
- LE077.4.** Describe supervising the public while assisting to ensure safe and legal action is taken.

LESSON GOAL: At the end of this lesson, you should be able to identify noncriminal calls for service, respond in a professional manner, evaluate the incident, and determine the appropriate resources necessary to resolve the situation while maintaining officer safety and situational awareness. You should also be able to assess the scene for the availability of a person in the area to assist with an incident. Finally, you will understand how to consider the ability of the people who will be assisting, their legal limitation, and the safety of all parties involved.

Respond to a Noncriminal Call For Service

Officers respond to many noncriminal calls for service. Each situation needs a slightly different response. Requests for assistance that are noncriminal in nature do not necessarily require lights and sirens.

Officers need to be aware, however, that incidents can turn criminal at any time; therefore, always maintain a proper mind-set, situational awareness, and officer safety. Upon arriving at the scene, locate the complainant and introduce yourself in a professional manner.

While listening to the complainant, gather information about the who, what, where, when, why, and how in order to determine what course of action to take. Keep in mind that the complainant may not understand that the situation does not require law enforcement intervention. Such incidents may include power outages, parenting assistance, and keys locked in a vehicle.

After gathering the necessary information, determine what services are needed and whether you are able to assist. In situations where you are unable to adequately resolve the issue, refer the complainant to an appropriate resource by providing pamphlets, website addresses, or other agency contact information.

Despite all the options available to officers and complainants, there are occasions when the officer is unable to provide the expected level of service. In these situations, use interpersonal skills to express understanding and empathy of the situation and communicate why you cannot resolve the issue.

Directing People to Assist

Officers assist the public, but there may be occasions when assistance is needed from bystanders. Typically these situations involve emergencies such as victim rescue, first aid, or overcoming resistance from a suspect. By evaluating the scene you can determine

the level of assistance needed. For example, when responding to the scene of a disabled vehicle, an officer may ask bystanders for assistance pushing the vehicle off the road. Sections 843.06 and 901.18, Florida Statutes, authorizes officers to command assistance from the public during these types of incidents.

Officers should consider the person's capability to perform the task safely. For example, identify someone with the physical strength to overcome a subject's resistance or assist in apprehending a fleeing suspect. Someone with less physical strength may be able to provide cervical spine stabilization, assist with CPR, or apply pressure to control bleeding.

Give clear and specific instructions to people who are providing assistance. Under no circumstance should an officer instruct the public to assist in a way that violates the law, exceeds their knowledge, or compromises safety.

When receiving assistance from the public, you should supervise the actions of the people providing assistance to ensure their safety, minimize liability, and make sure they operate within the law. For example, if a person is assisting with traffic control, you should ensure they adhere to the same standards as an officer by providing clear concise directions and remaining highly visible on the roadway.

UNIT 1 | COMMUNITY SERVICES

LESSON 2 | Well-Being and Security Checks

OBJECTIVES

LE088.1. Investigate physical and environmental indicators of criminal activity while conducting a security check of a dwelling, building, or grounds.

LE088.2. Provide incident information and recommendations to the owner of the property after conducting a security check of a dwelling, building, or grounds.

LE088.3. Re-secure the building or dwelling after conducting a security check of a dwelling, building, or grounds.

LE664.1. Gather background information from dispatch on the subject of a well-being check.

LE664.2. Make contact with the subject of the well-being check to determine his or her status.

LE664.3. Determine if forced entry is required to gain access when unable to initiate contact with the subject of a well-being check.

LE664.4. Provide immediate assistance to the subject of a well-being check, if required.

LE664.5. Notify the complainant or interested party to relay the outcome of the well-being check when appropriate.

LESSON GOAL: At the end of this lesson, you should have an understanding of how to safely and effectively check on the well-being of a person and the security of a building, dwelling, or grounds.

Well-Being Checks

There are occasions when an officer observes a situation that may require a well-being check, such as a residence that shows lack of activity—newspapers or mail piled on the doorstep, or very high grass or weeds in the yard. A person with medical issues may request an officer to routinely conduct well-being checks at his or her home, or dispatch may receive a request from an individual's neighbor or relative to conduct a well-being check.

Dispatch should be able to research and identify if the resident has a medical alarm service, has an emergency contact in DAVID, or a call history at the location. The officer should try to determine if the subject of the check has been transported to a medical facility or has been arrested. Dispatch should be able to determine if the person owns a vehicle, which should normally be present if the individual is at home.

Upon arrival at the location of the well-being check, relay to dispatch if any vehicles are present and conduct a brief search of the premises for signs of breaking and entering or inactivity. Attempt to contact the subject of the well-being check to determine his or her status by knocking on the door or calling him or her on the phone. If appropriate, contact the property owner or management to gain information about the individual and access to the location. Look into the windows to determine the status of the person or indicators of distress.

If unable to make contact with the subject and there are no immediate signs of distress, contact dispatch and notify the chain of command. You may consider looking for a spare key and/or interview any neighbors to determine the whereabouts of the person or if a neighbor has a key. In an exigent circumstance when an officer has a reasonable belief the subject of a well-being check is in immediate danger, a forced entry and search of the premises may be conducted. If you determine that immediate access to the subject is required, backup or additional resources may be necessary to assist with a forced entry.

Maintain situational awareness and officer safety when conducting a forced entry.

If necessary, provide first aid to the subject of the well-being check, contact dispatch to relay the status of the individual, and/or request additional emergency resources.

When appropriate, contact the complainant, relative, or neighbor who initiated the well-being check to update them on the outcome of the check and make any recommendations for future action. If you initiated the well-being check, interview the subject to determine who to contact for follow-up.

Security Checks

While patrolling an assigned area, officers often conduct security checks of dwellings, buildings, or grounds. Security checks may be initiated by citizen request, dispatch, or by the officer. Upon arrival officers should notify dispatch and park their vehicle in a tactically sound location while observing the area.

Officers can use equipment such as vehicle spotlights, flashlights, and their radio to aid in conducting security checks. Maintain situational awareness while looking for suspicious indicators as you approach the scene. For example, be aware of open or unlocked doors, broken windows, damaged security equipment, or barking dogs. Other indicators of suspicious activity may be damaged vegetation or items such as outdoor furniture or planters that have been knocked over or rearranged. Check suspicious vehicles and interview people in the immediate area regarding criminal activity.

Walk the perimeter, looking through windows and ensuring all points of entry are secure with no signs of tampering. If you observe suspicious circumstances, identify contact information for the owner of the dwelling, building, or grounds. You may do this by locating any posted contact information, interviewing witnesses and neighbors, or requesting dispatch to check for a property representative. Once contact with the property owner or representative has been established, inquire about circumstances at the property in relation to the observations you have made. If there are indications of criminal activity, property damage, or loss, initiate the appropriate investigative action. In the event a property owner or representative is unavailable and there is no indication of a crime, secure the premises and leave written notice of law enforcement actions.

Upon completion of a security check, officers should communicate necessary information to dispatch.

UNIT 1 | COMMUNITY SERVICES

LESSON 3 | Responding to Alarms

OBJECTIVES

LE500.1. Describe the types of alarm calls that an officer may encounter.

LE500.2. Describe arriving at the scene of an alarm call based on information obtained from dispatch.

LE500.3. Interview the initial complainant or property owner to resolve the alarm issue, if appropriate.

LE500.4. Explain securing the scene when responding to an alarm call to ensure officer and resident safety.

LESSON GOAL: At the end of this lesson, you should understand various types of alarm calls, how to establish a perimeter of an area to be searched, and how to conduct an appropriate systematic building search.

Responding to Alarms

During the course of their patrol, officers will respond to various types of alarms. Alarms may include:

- burglary
- robbery
- panic
- fire
- medical

The type and location of an alarm will dictate the officer's response and tactics. Factors to consider are life-threatening situations, danger to the public, or a significant loss of property.

The alarm company may tell dispatch the cause of the alarm. Some alarms may be audible while others may be silent. Adjust your response based upon the type of alarm (lights and siren versus a stealthy approach). Whatever the alarm type or purpose, be aware of your surroundings and anticipate unknown risks.

Some agency policies require at least two officers to respond to alarm calls. Other agencies make a second officer available under certain circumstances or at the request of the initial responding officer. Officers should park their patrol vehicle an appropriate distance from the building or residence. The location chosen depends on the situation. If you inadvertently drive past the address, keep driving and stop farther down the street or around the corner.

Upon arrival the officer should attempt to identify the cause of the alarm. You will use investigative techniques to identify the cause of the alarm, such as observing the location and environment, interviewing people present, and getting information provided through dispatch. This information may include suspect description, false alarm notification, and "key holder" response.

False alarms can be caused by several factors including weather conditions, power outages, unintentional activation, open door, or unknown causes.

If you arrive on the scene and determine suspects are present, develop a tactical plan to apprehend the suspects. Factors to consider are establishing a perimeter, the suspect's knowledge of police presence, if you need to conduct a building search, and if you should call for additional resources, e.g., a canine or tactical team.

If a crime has occurred with no suspects present, and a significant amount of time has lapsed, secure the scene, and begin an investigation.

Officers may respond to noncriminal or unknown alarms such as fire or medical alarms. The officer's responsibility in this situation is to identify the issue and notify the proper agency to resolve the incident. You should assist the other agencies as needed.

UNIT 1 | COMMUNITY SERVICES

LESSON 4 | Environmental Hazards

LESSON GOAL: At the end of this lesson, you should be able to evacuate a structure or area by safely and efficiently assessing the scene, planning the exit route, and securing the perimeter.

You will be able to assess the scene of a trapped person and take appropriate action by securing the area and identifying the types of resources which may be needed to assist with the extraction. You will be aware of your level of training and ability to assist a trapped person while ensuring the safety of all people involved.

An officer may observe, receive a resident report, or be assigned to an incident that presents an environmental hazard. To ensure the safety of life and property, you may need to evacuate residents from the incident area or building quickly and professionally. Possible environmental hazards can include:

- hurricane
- gas leak
- spill on the roadway

OBJECTIVES

LE059.1. Notify property owner(s) or residents that may be affected by an environmental danger or hazard by providing available resources to safeguard life and property.

LE177.1. Describe surveying the scene of a trapped person to assess the level of danger.

LE177.2. List safety hazards that can be at the scene of a trapped resident.

LE177.3. Secure the scene of a trapped resident based on the circumstances and officer and resident safety.

LE177.4. Determine the immediate need for additional resources based on the circumstances and safety of the trapped person, officer, and public.

LE177.5. Describe officer safety in relation to officer courage or personal sacrifice when rescuing a trapped resident.

LE177.6. Assist additional resources upon arrival at the scene of a trapped resident by providing incident information, controlling traffic, and/or providing first aid.

LE259.1. Describe the types of threats that would cause the evacuation of a building or area.

LE259.2. Secure the building or area prior to initiating an evacuation of a building or area.

LE259.3. Plan the evacuation of a building or area by determining the best course and the number of affected people or animals to be evacuated.

LE259.4. Determine any additional resources required to evacuate a building or area.

LE259.5. Describe how to safely and orderly evacuate residents or animals out of a building or area.

- water lift station malfunctions
- sink hole
- flash flood
- fire

Evacuations

In some circumstances, officers may need to instruct occupants to evacuate from a building or area, or restrict access to a dangerous location. Officers need to be aware that they cannot force individuals to evacuate, except under emergency circumstances.

Upon arrival, immediately assess the scene and determine the hazard level. Take into consideration any environmental factors such as wind direction and topography of areas. For example, a flash flood would require an evacuation of the buildings or areas in the path of the flood. Proper scene assessment helps when selecting the appropriate protective equipment. If there is a gas leak, refrain from using potential ignition sources, such as road flares or open flame.

Immediately identify the safest and most efficient route to evacuate. Evacuating residents may have pets or other animals of value they wish to take with them. Plans should include accommodations for animals. Establish a perimeter for the building or area based upon the type of environmental hazard. The perimeter may expand or contract as environmental factors change. During the evacuation give consideration to obvious hazards.

You should locate and notify any property owners or residents within the vicinity of the environmental hazard by making door-to-door contact, or by initiating media alerts and other public notification systems. These contacts are made to communicate specific information regarding the hazard. Direct potentially affected people to follow any safety instructions and secure the building or area. Do not allow evacuated occupants to re-enter until the situation has returned to normal. Communicate to dispatch any information regarding persons with special needs.

Request and use resources from other organizations and agencies as needed, such as utilities, civic volunteer organizations, and police reserve units. Clear directions and supervision should be given in order to safely and effectively evacuate residents or animals. Individuals should be advised to bring personal items such as medication, medical aids, or mobility devices. Your agency's policies may provide more specific details.

Responding to a Trapped Person

Incidents involving environmental hazards can turn into a rescue situation. While arriving at a scene involving a trapped person, survey the scene to determine the degree of danger, the number of involved parties, and the need for additional resources. You should apply situational awareness and officer safety when approaching the scene and assessing for any hazards that may be present. Situations that involve a

trapped person may pose significant hazards, such as fire, smoke inhalation, risk of drowning, falling debris, unstable ground, or electrical wires.

After assessing the scene for hazards, you should ensure the safety of any bystanders by estimating the perimeter of the scene and restricting bystander access into the area. This may require additional emergency responders, like the fire department, EMS, a hazmat team, or city utilities.

Determine if a critical emergency exists that may require immediate action by the officer, such as a person trapped in a house on fire, a vehicle in the water and sinking, or a collapsed building. If a critical emergency exists, immediately contact dispatch to request additional resources.

Prior to taking action, consider your level of training, experience, available equipment, and physical ability while responding to a trapped person. Officers may consider requesting assistance from the public. When taking immediate action, an officer must balance the duty to act with officer safety. You can't help the victim if you become a victim. When additional resources have arrived, relay incident information to include any known hazards, location and number of victims, injuries to victims, and any action you have taken. As you respond to a trapped person, you may need to provide traffic control, first aid, and perimeter control. Depending on the scope of the incident, ICS may need to be implemented.

UNIT 1 | COMMUNITY SERVICES

LESSON 5 | Noncustodial Transport

OBJECTIVES

- LE644.1.** Determine the need for a noncustodial transport by interviewing the subject and applying agency policies and procedures.
- LE644.2.** Determine where to transport the resident based on urgency and available resources.
- LE644.3.** Describe restrictions and limitations for noncustodial transport of a resident by applying Florida Statutes and agency policies and procedures.
- LE644.4.** Explain the steps to transport a person in an agency vehicle during a noncustodial situation.

SECTION VOCABULARY

noncustodial transport

LESSON GOAL: At the end of this lesson, you should understand noncustodial transport and safety considerations, restrictions, limitations, and the statutory requirements related to transport.

A ***noncustodial transport*** is when an officer provides transportation to an individual that is not under arrest. This individual has voluntarily accepted or requested transport to a specified location. While noncustodial transports are not always legally required, agencies may conduct them to strengthen community relations. Noncustodial transports are performed for a variety of reasons such as assisting endangered people, aiding people with disabled vehicles, or investigating a situation. Once on scene the officer must locate and identify the subject of the transport. After interviewing the resident, determine the necessity for the transport. Always consider agency policies and procedure and resources available at the time of the request.

Evaluate the urgency of the need when considering a noncustodial transport. Officers may not be legally required to provide noncustodial transport in situations such as a ride to the gas station or to a bus stop. Prioritize requests for transport based on circumstances such as legal duty, call volume, availability of resources, and agency policies and procedures. In order to provide the appropriate noncustodial transport service, you should have a working knowledge of local resources and service providers. Identify the appropriate resource to assist the person based on the request and the information you obtain during the interview. However, an officer may be legally required to conduct noncustodial transport for victims of certain crimes such as domestic violence, sexual battery, or child abuse. There are special circumstances for transporting juveniles, members of the opposite sex, and victims. You should closely follow agency policies and procedures in these circumstances. Every situation has the potential for violence. Maintain officer safety and situational awareness even while conducting a noncustodial transport.

Prior to placing a person in the patrol vehicle, verify the individual's identity and conduct a pat down for weapons. Ensure the person's seat belt is securely fastened. Notify dispatch of the person's identity, beginning and ending vehicle mileage, starting location, and the intended destination. Advise dispatch of any delays or changes during the noncustodial transport of the individual.

UNIT 1 | COMMUNITY SERVICES

LESSON 6 | Animal Complaints

LESSON GOAL: At the end of this lesson, you should be able to differentiate between domestic and exotic animals, assess any immediate threat posed by the animal, and use available resources to safely remove the animal.

Officers may respond to calls involving wild, domestic, and exotic animals. Domestic animals may include livestock as well as family pets such as dogs and cats. Common calls involving wildlife include alligators, snakes, bears, raccoons, and birds. Exotic animal calls may include pythons, parrots, and monitor lizards; **exotic animals** are animals that are not native to Florida.

When arriving on scene, identify any immediate threat and any injury to people requiring first aid. Determine if the animal is running free, contained, injured, or aggressive. Consider your level of experience and training before attempting to capture or handle any animal. Officer and public safety are the highest priority.

Request additional resources if needed including EMS, emergency animal clinics, animal control, FWC, wildlife rehabilitators, and nuisance animal trappers. If personal or public safety is threatened, officers may use appropriate equipment and force.

Officers may also receive animal abuse complaints. Section 828.12, F.S. on animal cruelty provides the elements of the crime, degree of offense, and punishment. Direct animal abuse occurs when the owner fails to provide necessary sustenance or shelter, physically harms or over works an animal. Indirect animal abuse occurs when the activities or behavior of the owner allows the abuse to take place. An example of indirect animal abuse is ignoring an animal's obvious medical problem, such as mange, or leaving animal unattended for long periods.

Officers may be the first responder to an animal abuse complaint or may suspect animal abuse when handling an unrelated call for service. Many counties have animal service agencies with personnel assigned to investigate cases of animal cruelty. Officers should follow agency policy when responding to or suspecting a case of animal abuse.

OBJECTIVES

LE666.1. Determine the immediate need to give first aid to person(s) involved in a wild or domestic animal incident.

LE666.2. Determine the degree of danger and immediate threat to officer and resident safety by surveying the scene of a wild or domestic animal incident.

LE666.3. Safely remove the threat of a wild or domestic animal incident to include additional resources.

LE666.4. Describe animal abuse when responding to calls for service, applying Florida Statutes on animal cruelty.

SECTION VOCABULARY

exotic animals

UNIT 1 | COMMUNITY SERVICES

LESSON 7 | Death Notification

OBJECTIVES

LE720.1. Explain how to deliver a death notification in a professional manner.

LESSON GOAL: At the end of this lesson, you will understand the need to use interpersonal skills while conducting a death notification.

Notifying the Next of Kin

There are two common ways officers receive an assignment to make a death notification: when the officer's agency conducts a death investigation, and when requests from other jurisdictions are received through teletype. The officer should obtain the name, address, and telephone number of the deceased person's next of kin using criminal justice databases. After the officer has identified the location of relatives, he or she should go to the location, if feasible. If the next of kin lives in the same local area as the deceased person, the officer should notify them in person.

You should be aware of cultural and religious issues involved in handling this delicate situation. Before attempting to deliver a death notification, try to identify any language or cultural barriers. A victim advocate, religious leader, or interpreter may prove very helpful when you must notify a family member or significant other of the death of a loved one. Once on the scene, if you can determine the family's religious preference, you may consider contacting their religious leader to aid in the grieving process. When responding in person, request a backup officer. Normally this is a nonconfrontational situation; however, always use officer safety techniques.

In some cases, the relatives may live in another state or town and you may not be able to go to their home to deliver the message. In these circumstances, contact the local law enforcement agency in that area and request that one of their officers make the notification. You can obtain that agency's telephone number by contacting dispatch.

Although it is acceptable to notify next of kin by phone, this is the least preferred method. An officer should not make a phone notification unless there is no other option. If you must notify the next of kin by telephone, you should call as soon as possible.

When you make contact with the next of kin, it is your responsibility to answer their questions concerning the deceased person's location and the circumstances surrounding the death. This will assist the person's next of kin in dealing with the loss. If the investigation does not permit you to provide answers about the circumstances surrounding the death, explain this to the family. Agency policy and procedure should be followed regarding death notifications.

There are basic things an officer can do to display empathy when delivering a death notification. Be careful to avoid typical clichés such as, "I know how you feel" or "God never gives us more than we can handle."

The following are some recommendations when making a death notification:

- Be absolutely certain of the identity of the deceased.
- Make a clear statement that the death has occurred.
- Allow time for the venting of feelings.
- Obtain medical help, if needed.
- Assist in notifying significant others.
- Make referrals for follow-up support services.
- Describe the procedure for identifying the deceased.

UNIT 1 | COMMUNITY SERVICES

LESSON 8 | Special Event Security

LESSON GOAL: At the end of this lesson, you will have an understanding of special event security to include briefing, debriefing, and situational awareness.

Officers may be assigned to special event details. These may include providing security for the event facility, attendees, and employees. Officers may be required to provide security in escorting a money courier at the event. Sporting events, concerts, fairs, and political rallies are some examples of events you may be assigned to cover. Report to the command post for the event and check in for a pre-detail briefing. The briefing information may include level of enforcement, procedures for arrest or ejection, prohibited items, and other areas of concern. Information, equipment, and assignments will also be distributed at this time. Special events may be assigned a specific radio channel. Also communicate with dispatch regarding your status periodically throughout the event.

Safety requirements and concerns for these events are important due to a large number of attendees in a small area. This high concentration of people requires a traffic flow plan for both vehicles and pedestrians. Officers need to be aware of evacuation procedures

OBJECTIVES

LE046.1. Obtain safety requirements from a supervisor or event coordinator prior to providing security for a special event.

LE046.2. Position yourself in a highly visible, tactical area while providing security for a special event.

LE046.3. Take appropriate law enforcement action on situations as they arise while providing security for a special event.

LE046.4. Return to the command post to debrief, if applicable, upon completion of the assignment.

for the event as well as the location of first aid stations. Crowd control and other safety concerns should be discussed and planned prior to the event.

Be aware of other officers' locations at the event as well as entrances and exits. You should be visible to the attendees for assistance if necessary. Maintain a high level of awareness at the event for potential incidents that may require a response. Due to the nature of large gatherings, certain enforcement protocols should be followed when making arrest decisions. Officers should abide by guidelines established during the briefing.

Once the event is concluded you may attend a debriefing. Return any equipment issued for the event and document any significant incidents. Discussion may involve strategies to improve event security for the safety of officers and the public.

UNIT 2 | RESPONDING TO DISTURBANCES

LESSON 1 | Crowd Control

OBJECTIVES

LE021.1. Determine the threat level of a crowd, demonstration, or riot by observing and analyzing indicators of potential violence.

LE021.2. Describe information that should be relayed to dispatch during a situation involving a crowd, demonstration, or riot to ensure officer and public safety.

LE021.3. Describe officer action based on observations and analysis of the crowd, demonstration, or riot.

LE021.4. Describe engaging participants of a crowd, demonstration, or riot to ensure officer and public safety.

LESSON GOAL: At the end of this lesson, you will be able to assess observation of a crowd to determine if the gathering is peaceful or criminal. You will also understand how to control the crowd by using effective communication to engage participants.

Assessing the Crowd

Officers should be aware that the United States Constitution's First Amendment allows people to peaceably assemble. Officers should also be aware of Florida Statutes that apply to assemblies or groups. A few of these statutes that could aid an officer in crowd control situations include the following:

- s. 877.03, Breach of the peace; disorderly conduct, F.S.
- s. 870.02, Unlawful assemblies, F.S.
- s. 870.01, Affrays, F.S.
- s. 870.03, Riots, F.S.
- s. 856.011, Disorderly intoxication, F.S.

Officers may respond to incidents involving a large gathering of people, resident complaints of a large gathering of people, or be assigned to monitor a special event with a large crowd. Individuals may gather as long as they cause no disturbance and act within the scope of state laws and city or county ordinances. An officer's duty is to determine if the demonstration or gathering is lawful based on state statutes. In Florida, permits may be required for planned events which anticipate a large crowd. Law enforcement may have to respond to complaints about sudden crowds, such as late-night bars closing or crowds leaving a venue.

Identifying the Problem

Officers should determine the threat level of the crowd, demonstration, or riot by observing the mood, location, direction of travel, and size of the crowd. Several things may affect the crowd's mood such as the result of a sporting event (win or loss) or controversial court ruling.

You should identify if the crowd is organized and if anyone is leading or agitating the crowd. Some crowds may involve gang members possibly displaying colors, symbols, and weapons.

Monitor the situation from the best vantage point for collecting information, such as from a patrol car, rooftop, or using a video monitoring system. Relay information frequently to dispatch or any assisting agencies. Include critical information such as crowd size and movement, observed weapons, like broken bottles, and any property damage. Report any level of escalation or de-escalation. Determine if the situation requires specialized assistance such as a supervisor's deployment of the riot squad, SWAT, K-9, mounted patrol, fire department, public information office, or contacting the local event manager.

Any large gathering has potential for danger and must be approached cautiously. If an officer determines he or she will engage the participants of a crowd or demonstration, officer safety is the first consideration. Sheer numbers can be overwhelming for responding officers. Calling for assistance and waiting for backup is critical when engaging a crowd or demonstration. Though non-hostile crowds are more passive, you should never become complacent when dealing with large groups as things can quickly change. Safety is an officer's main concern.

Removing or arresting members of a large group is sometimes difficult because the anonymity of a crowd may provoke the violent behavior of aggressive individuals. In large crowds, attacks can come from any direction, so you should always have an exit strategy and prevent crowds from cornering you or limiting your ability to exit a scene. A show of force or presence in numbers can be extremely persuasive in calming a crowd.

Identifying why a group has assembled helps an officer better understand group goals and possible solutions for a peaceful dispersal. Looking for signs and symbols on clothing or listening to words or phrases yelled or chanted by the crowd will help you understand the gathering.

An important part of dispersing crowds and resolving group incidents is determining the leader or instigator. Identify this person by observing how the crowd interacts. Whom does it rally behind? Who does all the talking? Who seems to stand out most, talking the loudest and prompting activity? Answers to these questions may point to the group leader.

After backup has arrived, an officer may approach the leader or responsible person, separate the individual from the crowd, and interview him or her. Isolation allows you to speak to the leader without the influence of the group. Effective communication skills are essential in resolving conflicts involving many people. Speak in a professional manner to encourage cooperation. Tell the leader why officers are at the scene. The leader's willingness to cooperate is a major factor in subduing a threatening situation. Issuing a threat to arrest someone during initial contact may turn a peaceful event violent. Request that the leader comply with laws and ordinances, if the group has violated any.

Independent criminal violations may occur in a crowd, such as underage drinking or illegal narcotics usage. These violations must be addressed. An officer should act swiftly to prevent further problems, such as a peaceful demonstration turning into an affray or a riot. For officer safety reasons, use discretion when deciding on enforcement action. If you expect to make a physical arrest, observe the crowd's actions and determine if sufficient backup is present to ensure officer and public safety.

UNIT 2 | RESPONDING TO DISTURBANCES

LESSON 2 | Civil Disturbance

OBJECTIVES

- LE061.1.** Determine the threat level of the civil disturbance to ensure safety.
- LE061.2.** Determine if a crime has occurred during a civil disturbance by applying Florida Statutes.
- LE061.3.** Describe officer actions based on the circumstances of the civil dispute and available resources.

LESSON GOAL: At the end of this lesson, you will be able to assess the scene of a disturbance and determine whether it is civil or criminal in nature by evaluating information and using available resources to resolve the conflict.

When responding to a call that is civil in nature such as a landlord-tenant dispute or child custody issue, officers should be aware that these incidents can become highly volatile. Threat levels may be evaluated by using information relayed by dispatch, location call history, personal knowledge of the parties involved, and officer observations. You must be vigilant, avoid complacency, and request backup based on the threat level of the situation.

Separate, identify, and interview all parties involved to obtain information related to the incident. Through officer assessment, interviews, and observations, you can verify whether a crime has been committed. You can also perform FCIC/NCIC queries to determine if any injunctions or warrants exist. An **injunction** is a practical remedy, in the form of a court order, which requires a person to do or refrain from doing specific acts.

Once you have determined the disturbance is civil in nature, provide the parties with information and resources to aid in conflict resolution. For example, an officer may assist parties involved in a landlord-tenant dispute by providing information and referring them to civil court or mediation.

SECTION VOCABULARY

injunction

UNIT 2 | RESPONDING TO DISTURBANCES**LESSON 3 | Civil Standby**

LESSON GOAL: At the end of this lesson, you will understand how to conduct a civil standby while remaining impartial and using interpersonal skills to prevent conflict.

Officers may be called to maintain the peace through officer presence while serving a judicial order or responding to a call for service, referred to as a “*civil standby*.” Civil standbys may be conducted in situations such as executing a writ of replevin, child custody exchange, or pretrial release order. Typically civil standbys require no action by the officer; their presence is sufficient to keep the incident from escalating. When necessary officers should separate and interview the parties to determine whether any enforcement action should be taken.

The officer should remain impartial and use conflict resolution skills to prevent escalation of the situation. Policies and procedures differ between agencies as to whether a court order needs to be in place for the officer to conduct a civil standby.

OBJECTIVES

- LE638.1.** Describe the types of situations in which an officer may conduct a civil standby.
- LE638.2.** Describe officer actions when maintaining order during a civil standby.

SECTION VOCABULARY

civil standby

UNIT 2 | RESPONDING TO DISTURBANCES

LESSON 4 | Disorderly or Irate People

OBJECTIVES

- LE296.1.** Identify the disorderly or irate person by interviewing the involved parties.
- LE296.2.** De-escalate a situation involving a disorderly or irate person by separating involved parties and using conflict resolution.
- LE296.3.** Determine a course of action to effectively resolve a situation involving a disorderly or irate person.

LESSON GOAL: At the end of this lesson, you will understand how to interact with a disorderly or irate person while using interpersonal skills to de-escalate and resolve the situation.

Officers are occasionally faced with situations involving disorderly or irate people. Always approach the scene maintaining situational awareness and officer safety practices. Locate and interview the complainant or witnesses to identify the disorderly or irate person and the reasons for the subject's behavior. This information may help you de-escalate the situation. When making contact with the disorderly or irate person, separate the individual from any obvious sources of agitation.

Using effective interpersonal skills, establish a dialogue with the subject to identify the source of the problem. This may help you determine the proper course of action. For example, officers may initiate a Baker or Marchman Act, use a crisis intervention team (CIT), or make an arrest based on a violation of law.

Officers must recognize that individuals are protected under the constitutional right to freedom of speech and assembly; therefore, there are some circumstances where officers may have no legal authority to take action. For example, an individual may not be arrested and charged with disorderly conduct for only yelling and cursing at officers.

UNIT 3 | COURT ORDERS

LESSON 1 | Arrest by Court Order

LESSON GOAL: At the end of this lesson, you will be able to identify any subjects of an arrest warrant and their possible location. You will understand the legal requirement to announce arrest, and your legal limitations pertaining to the execution of an arrest warrant.

When an officer receives an arrest warrant, *capias* (a legal order for an arrest issued by the clerk of courts at the request of the state attorney's office), or *pick-up order* (a court order to take a juvenile into custody), he or she should review the document for the subject's personal information and nature of the order. The officer can use criminal justice databases and other law enforcement intelligence resources to confirm the subject's identity and possible location. The nature of the court order may provide information related to officer safety issues that are relevant to the execution of the arrest. For example, serving an arrest warrant for murder will be handled differently than an arrest warrant for retail theft. Officers are required by F.S. 901.16 to relay the charges of the arrest warrant. Exceptions to F.S. 901.16 take into consideration the likelihood of violence or flight risk. Relaying the charges of the arrest warrant may be delayed based on these considerations.

Once the officer has located the subject of the court order, he or she should place them under arrest. The officer confirms that the order has been served by completing the necessary documentation. Officers must include a signature, date, and time on all copies of the court order.

OBJECTIVES

- LE398.1.** Identify the subject of an arrest warrant, *capias*, or pick-up order by thoroughly reviewing the document information.
- LE398.2.** Identify the location of the subject based on the arrest warrant, *capias*, or pick-up order by searching available resources or databases.
- LE398.3.** Explain officers are required by Florida Statutes to advise the subject of the arrest warrant, *capias*, or pick-up order and its contents.
- LE398.4.** Describe the completion of an arrest warrant, *capias*, or pick-up order by processing the appropriate documentation.

SECTION VOCABULARY

capias

pick-up order

UNIT 3 | COURT ORDERS

LESSON 2 | Serving Civil Processes

OBJECTIVES

- LE624.1.** Identify the subject of the civil process by thoroughly reviewing the document information.
- LE624.2.** Identify the location of the subject of the civil process by searching available resources or databases.
- LE624.3.** Explain hand-delivering a civil process after identifying the nature of the document.
- LE624.4.** Explain confirming delivery of a civil process by signing and returning an agency delivery form.

LESSON GOAL: At the end of this lesson, you will understand the information contained in a civil process, their legal authority as defined by Florida Statutes, and the proper execution of civil processes.

Officers may also receive an assignment to serve a civil process, such as a witness subpoena, protective injunction, or eviction notice. Civil processes are noncriminal in nature and are issued by the court. Civil processes are typically served by the sheriff, but can also be served by a city police officer or a private server by authority of the chief judge. The exceptions to this agreement of authority are witness subpoenas and eviction notices. The sheriff may have a civil process department or officers may receive the assignment directly from their supervisor.

Once the officer receives the assignment he or she should review the information for the recipient's name, address, and nature of the civil process.

Prior to serving the document, you may conduct a database search to verify the address or other information.

The nature of the civil process may provide information related to possible officer safety issues when serving the order, such as an injunction that displaces a resident. Reading the process will provide you with information that needs to be communicated with the recipient.

Once you have located the recipient of the process, servicing of the civil process is accomplished by providing the recipient with a copy of the civil process. Officers should convey the nature of the civil process and pertinent information. Officers must include a signature, date, and time on all copies of the civil process. Confirm delivery of a civil process by completing service, providing a copy to the respondent, and returning documentation to the court through established channels. A failure to state the facts or to include the signature as required by Florida Statutes invalidates the service.

UNIT 3 | COURT ORDERS

LESSON 3 | Assist in the Execution of Search Warrants

LESSON GOAL: At the end of this lesson, you will understand search warrant operational briefings, the roles and duties of the various assignments, scope of the search and legal limitations, safety considerations, and the importance of debriefing.

While on patrol, officers may be required to assist in the execution of a search warrant. Search warrants vary in type and complexity. The execution of a search warrant can be labor intensive and may require the coordination of multiple officers and agencies or be as simple as obtaining a DNA swab.

When you are required to assist with the execution of a search warrant, you should respond to the designated briefing location and make contact with the operation officer in charge. During the briefing, officers will be provided with specific information regarding the operation. This information may include the type and scope of the search warrant, suspect information, the location, and safety concerns. Each officer assigned to assist will be given a specific task to complete, such as security perimeter, entry, search, crowd control, or transport. Officers must ensure they understand their assignment and are properly equipped to complete the task.

While conducting the assignment, adhere to the scope of the search warrant. Search warrants outline items to look for and also may identify specific locations or rooms to search. When searching for a specific item such as a flat screen television, looking in a kitchen drawer would be considered beyond the scope of the search. If you locate additional evidence or contraband, notify the operation officer in charge immediately. Officers may observe or encounter additional issues which must be communicated, such as crowd control, if children are present, suspects fleeing from the scene, aggressive animals, weapons, and booby-traps.

Before leaving the scene, ensure all equipment and evidence is accounted for and removed. A debriefing may be conducted following the execution of the search warrant to discuss the details of the operation. Points to discuss may include the overall outcome and the strengths and weaknesses of the operation.

OBJECTIVES

LE668.1. Report to the assigned location based on the briefing prior to the execution of a search warrant.

LE668.2. Complete tasks legally and safely based on the briefing during the search.

LE668.3. Attend a debriefing after assisting in the execution of a search warrant.

UNIT 4 | RESOLVING VEHICLE INCIDENTS

LESSON 1 | Responding to a Vehicle Fire

OBJECTIVES

- LE017.1.** Survey the scene of a motor vehicle fire for the degree of danger, number of involved motorists, and officer and motorist safety.
- LE017.2.** Park the patrol vehicle at a safe distance to shield the officer's work area and traffic from the motor vehicle fire.
- LE017.3.** Secure the scene of a motor vehicle fire based on the circumstances and officer and motorist safety.
- LE017.4.** Determine the immediate need for extinguishing a motor vehicle fire based on the circumstances of the fire and extinguisher equipment.
- LE017.5.** Request additional resources if necessary to extinguish the motor vehicle fire thoroughly.
- LE017.6.** Assist additional resources upon their arrival at the scene of a motor vehicle fire by providing incident information, controlling traffic, and/or providing first aid.

LESSON GOAL: At the end of this lesson, you will be able to assess dangers and hazards at the scene of a vehicle fire, the need to determine if the vehicle is occupied, and if a person needs to be extracted. You will be able to identify the types of resources available to assist with a vehicle fire. You will also understand your capabilities and limitations when responding to a vehicle fire as well as elements of controlling the scene.

The officer responding to a vehicle fire should survey the scene for victims, hazards and other threats to public safety. These may include hazardous materials, downed power lines, fire intensity, and any other materials that may present an immediate threat.

Highly flammable or combustible items in the vicinity must be evaluated and moved if practical. While securing the scene, consider the proximity of the vehicle on fire to potential victims or other property. Park the patrol vehicle at a safe distance based on the circumstances. Some factors to consider when parking are wind direction and speed, traffic conditions, and providing safe access for other responders.

Fire and rescue resources should be requested as necessary.

Determine if the vehicle is occupied. If victims are present, begin rescue efforts to extract the victims while evaluating personal officer safety. Officers need to be aware of the capabilities and limitations of fire extinguishers. Fire extinguishers could be used to gain access to trapped victims.

Extracted victims should be moved to a safe location and be provided with first aid as needed. If victims are trapped beyond your rescue capability, every reasonable effort should be made to immediately extinguish the fire. Once the victims have been removed and/or there is no immediate threat to life or property, evaluate the potential to extinguish the fire with available resources or secure the scene for the arrival of fire personnel.

Depending on the scope of the incident you may be required to assist other responding resources. You may be asked to provide details of the incident, control traffic, or maintain a perimeter. If the incident is determined to be criminal in nature, secure the scene as appropriate.

UNIT 4 | RESOLVING VEHICLE INCIDENTS

LESSON 2 | Unattended, Abandoned, or Disabled Vehicles

LESSON GOAL: At the end of this lesson, you should understand the definition of abandoned/disabled vehicles and how to search, inventory, and impound a vehicle. You will also understand how to identify the owner of the vehicle.

Abandoned Vehicle

An **abandoned vehicle** is a vehicle without a known driver or person responsible for the vehicle. These vehicles may be disabled, illegally parked, or a potential crime scene. Abandoned vehicles should be investigated to determine if a crime has occurred such as a vehicle theft or burglary. Look for evidence of forced entry or other criminal activity. For example, a broken window and ignition system may indicate a stolen vehicle.

When responding to an abandoned vehicle complaint, the initial concern is to identify public safety hazards, which may range from roadway obstruction to a mobile meth lab. When approaching an abandoned vehicle use caution. Survey the scene for anything that may compromise officer safety or indicate a crime has occurred. Be aware of your surroundings as you approach from the rear. After it is safe to do so, an officer may need to have the vehicle removed from its original location to prevent danger.

Once all safety concerns are satisfied, try to identify the owner. The most common sources of vehicle and owner information are the license tag and VIN (vehicle identification number). An officer may also obtain information about the vehicle or owner from the complainant, people in the area, or by accessing available computer databases.

If contact with the owner is made, determine the status of the vehicle, i.e., stolen, abandoned, or disabled. Based upon information received, the vehicle may be removed by owner, impounded, or left in place if not a hazard. If the vehicle is going to stay at the location, secure it according to agency policy.

When the vehicle is in violation of a local or state law, take action according to agency policy.

OBJECTIVES

LE001.1. Describe hazards, violations, or evidence of a crime related to the abandoned vehicle.

LE001.2. Describe how to safely approach an abandoned vehicle.

LE001.3. Describe common sources of vehicle owner information regarding an abandoned vehicle by gathering information from available resources.

LE001.4. Determine the disposition of the abandoned vehicle by evaluating information to include securing the vehicle, towing the vehicle, or issuing a citation.

SECTION VOCABULARY

abandoned vehicle

UNIT 4 | RESOLVING VEHICLE INCIDENTS

LESSON 3 | Roadway Obstruction or Damage

OBJECTIVES

- LE029.1.** Survey the scene of a damaged or obstructed roadway to ensure the public's safety.
- LE029.2.** Remove the roadway obstruction(s) immediately and safely, using resident assistance if necessary.
- LE029.3.** Notify dispatch to contact the appropriate agency for assistance in removing the obstruction or repairing the damage to the roadway.

LESSON GOAL: At the end of this lesson, you should be able to recognize roadway obstructions and their associated hazards. You will also be able to identify the necessary resources to remove the roadway obstruction while ensuring safety for all parties involved.

Responding to Roadway Obstruction or Damage

While on patrol or responding to a call, officers may encounter various types of roadway obstruction or damage, such as tires, animals, tree limbs, flooding, and downed power lines. Many of these incidents may be resolved by the initial responding officer while some require additional resources. Upon arrival, park the patrol vehicle in a location to protect yourself and the public. Use emergency equipment and traffic warning devices to warn approaching motorists of the hazard and reroute traffic as necessary. Survey the scene to determine the nature of the obstruction or damage.

If possible, and if it is safe to do so, you should immediately remove the obstruction. Officers may request assistance from bystanders while removing the roadway obstruction.

If the incident requires additional resources, the officer should notify dispatch to contact the appropriate agencies based on the type of obstruction or damage such as damaged guardrails, missing traffic control devices, potholes, etc. Ask your agency to contact the media to issue a public safety bulletin regarding road closures.

The officer at the scene will provide information to responding resources regarding the incident. Once the obstruction has been cleared or damage has been repaired, clear all traffic warning devices to return the traffic flow to normal conditions.

UNIT 4 | RESOLVING VEHICLE INCIDENTS

LESSON 4 | Parking Violations

LESSON GOAL: At the end of this lesson, you will be able to differentiate between a Uniform Traffic Citation, municipal parking citation, and county ordinance citation. You will also be able to identify the three ways a driver violates Florida Statutes pertaining to parking.

While on patrol an officer may be required to enforce various parking violations, such as handicapped parking, blocking the fire lane, and blocking a sidewalk. An officer may enforce parking laws and ordinances by issuing a Uniform Traffic Citation (UTC), municipal parking citation, or county parking citation. A UTC is used to enforce violations of Florida Statutes. County or municipal citations may be issued to enforce local ordinances.

If an agency uses a parking summons to enforce s. 316.1945, F.S., the officer can complete and attach that summons to the vehicle in violation. The statute specifies that officers must attach a citation, or parking summons, in a safe, conspicuous place (usually under the windshield wiper).

There are three ways to identify whether a driver violates s. 316.1945, F.S.; s. 316.003, F.S. defines the terms **stop** (52), **stand** (49), and **park** (27):

STOP OR STOPPING—When prohibited, any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or to comply with the directions of a law enforcement officer or traffic control sign or signal.

STAND OR STANDING—The halting of a vehicle, whether occupied or not, otherwise than temporarily, for the purpose of, and while actually engaged in, receiving or discharging passengers, as may be permitted under this chapter.

PARK OR PARKING—The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers as may be permitted by law under this chapter.

Anyone who parks in a designated handicapped space must have the proper permit. A permit may be displayed by either a placard or an issued specialty license plate. Drivers who do not have permits and park in handicapped spaces violate s. 316.1955, F.S., and can be issued a citation.

OBJECTIVES

LE034.1. Differentiate between a Uniform Traffic Citation (UTC), municipal parking citation and county ordinance citation when enforcing motor vehicle parking laws.

LE034.2. Describe the three ways to identify if a driver violates Florida's motor vehicle parking laws.

SECTION VOCABULARY

stop

stand

park

UNIT 4 | RESOLVING VEHICLE INCIDENTS

LESSON 5 | Impounding a Vehicle

OBJECTIVES

- LE280.1.** Determine if the motor vehicle should be impounded based on the circumstances of the incident.
- LE280.2.** Inventory the property from a motor vehicle after conducting a legal, safe search for personal property.
- LE280.3.** Determine the disposition of any contraband found in an impounded motor vehicle.
- LE280.4.** Complete the inventory form after conducting a search of an impounded motor vehicle.
- LE280.5.** Arrange to have the impounded motor vehicle towed to the appropriate location based on the incident circumstances.
- LE265.1.** Describe how to legally examine all compartments, cargo areas, and the exterior of the motor vehicle applying officer safety.

LESSON GOAL: At the end of this lesson, you will understand how to safely impound, inventory, and store a vehicle while following the law.

If a vehicle is to be impounded as part of a criminal investigation, traffic crashes or when a vehicle is disabled, abandoned or unattended, section 713.78.7(c) of the Florida Statutes requires the officer to conduct an inventory search of the vehicle and document all its contents. Vehicles may also be seized under chapter 932 of the Florida Statutes, the Florida Contraband Forfeiture Act. A vehicle is considered **impounded** when it is towed at the direction of law enforcement. Follow agency policy for determining if a vehicle should be impounded.

Disabled, Abandoned, or Unattended Vehicle Towing Procedures

If the vehicle is disabled, and an owner or driver is present, he or she may request that a specific tow company respond. In this case, the owner will make arrangements with the company about location and fees. In some cases a disabled, abandoned, or unattended vehicle may be removed from its location; conduct a vehicle inventory and document it on the agency vehicle inventory form. Request a wrecker to transport the vehicle to a secured lot.

Vehicles Involved in a Crime

If the vehicle is evidence and needs to be held under the control of the investigating agency, a wrecker service would transport the vehicle to a designated secure location. Treat the vehicle as a crime scene until it is processed by the proper personnel. Agency policies should be followed regarding securing vehicles as evidence. A secured storage facility will be used to maintain the chain of custody and ensure evidence is free from tampering.

Vehicles that are seized because of the Contraband Forfeiture Act will be thoroughly inventoried and taken to a secured location.

Exterior/Interior Vehicle Search

The authority to search a vehicle is based on probable cause, consent, or vehicle inventory. Whatever the purpose of the search, the method changes only slightly depending on the scope and purpose of the search. When searching a vehicle, you should ensure all compartments are checked. The authority to search a vehicle's trunk is determined by the purpose of the search. When searching, avoid unnecessary damage to the vehicle.

Officers should search a vehicle using a specific pattern, which allows an officer to be consistent and thorough. Wear gloves to protect against discarded needles, weapons, or other hazards which could jeopardize officer safety. Be aware of hidden compartments that can be used to conceal contraband or weapons. Suspicious buttons or switches may indicate hidden compartments. Agency policy determines how an officer conducts an inventory on a locked vehicle.

Inventory

The inventory should document the vehicle's overall condition, mileage if available, damage, contents and equipment. An inventory is conducted to protect the agency and officer from false claims of lost, stolen, or damaged property. An inventory of a vehicle is a recognized exception to the Fourth Amendment search warrant requirement. An officer does not need probable cause to inventory a vehicle because the purpose of an inventory is to document items in or on a vehicle, not to search for evidence of a crime. Courts have upheld the legality of an inventory when the agency has an established written policy regarding inventories and agency employees follow that policy.

After the decision is made to impound, remove the vehicle from the scene. Agencies will provide inventory forms which are used to document all items of value for reporting purposes.

Often during inventories or searches, officers will find contraband or evidence of a crime. Such items may include controlled substances, weapons, and burglary tools. Follow agency policies regarding the documentation and recovery of evidence inside the vehicle. An inventory should not be used in lieu of a lawful search. However, evidence located during an inventory search can be used to further a criminal investigation.

When conducting an inventory or a search of a vehicle, you must complete the appropriate form and attach it to the related report.

SECTION VOCABULARY

impound

UNIT 5 | DIRECTING TRAFFIC

LESSON 1 | Vehicle Traffic

OBJECTIVES

- LE023.1.** Park the patrol vehicle in a safe location upon arrival to avoid obstruction of traffic flow.
- LE023.2.** Survey the scene of obstructed motor vehicle traffic by observing environmental conditions, hazards, and disrupted traffic flow.
- LE023.3.** Notify the appropriate agency that can correct the cause of the obstructed motor vehicle traffic, if applicable.
- LE023.4.** Choose the safety and traffic warning equipment appropriate to the situation to direct motor vehicle traffic.
- LE023.5.** Determine the most effective route to safely re-direct motor vehicle traffic flow based on the circumstances of the incident.
- LE023.6.** Describe how to safely direct motor traffic flow using agency-issued traffic equipment.
- LE023.7.** Determine when the original motor vehicle traffic pattern may safely resume based on the incident circumstances.
- LE023.8** Identify the traffic regulations related to assisting the blind when crossing traffic.

LESSON GOAL: At the end of this lesson, you will be able to direct traffic by identifying a safe and efficient route while properly using safety equipment.

Officers may be called to direct traffic for many reasons including roadway obstructions, traffic crashes, special events, utility repairs, or broken traffic signals.

Officers should immediately survey the scene to determine the cause and location of the traffic flow obstruction. Roadway obstructions may include traffic crashes, debris, disabled vehicles, downed power lines, and special events. Depending on the volume of traffic and traffic patterns, you may need to request additional help.

When encountering a traffic situation, safely park the patrol vehicle on the shoulder or another location that does not obstruct traffic. Activate the vehicle's emergency lights to instruct motorists to slow down.

If the damage is severe enough to pose a danger to vehicle traffic, officers must direct traffic around the damage and request assistance from the appropriate department to respond and provide barricades or road signs.

Whether it is day or night, officers should wear a reflective safety vest to ensure they are visible to motorists. You may use hand signals, whistles, a flashlight, direction wands, reflective vests and gloves, and a traffic control box when necessary; spoken commands confuse drivers and are ineffective.

Each situation and location provides unique challenges when directing vehicle traffic flow. Officers should determine what options are available for re-routing traffic based upon the specific type of roadway obstruction, their knowledge of the area, and environmental factors. Officers must determine whether traffic can be safely routed through or around the immediate area versus routed away from the area. If the traffic must be routed away from the obstruction, identify alternate routes such as alleyways, side streets, or parking lots. When choosing an alternate route, consider factors such as school zones, time of day, local business hours, and any community events. The selected route must also be able to handle and sustain the level of traffic flow for the duration of roadway obstruction.

When handling traffic flow from more than one direction, officers should attempt to give equal time to each direction of traffic flow; however, heavier lanes of traffic should be allowed to flow for longer periods of time. If directing traffic in an intersection, follow typical traffic signal patterns which will reduce confusion and expedite traffic flow.

When directing traffic, determine the best location to stand as well as the appropriate equipment to ensure high visibility and officer safety. The center of an intersection provides the greatest visibility of the officers but is the most hazardous. If you are not at an intersection, find the safest possible location from which to direct traffic. Avoid standing between two vehicles on the roadside, or directly in front of or behind a vehicle; you could be injured or killed if a motorist strikes the vehicle behind which you are standing. If additional emergency vehicles are responding, stop traffic and allow these vehicles access.

Visibility is the highest priority for an officer when directing traffic. An officer's safety equipment is designed for maximum visibility to others. Examples of safety equipment include a reflective vest, flashlights and wands, reflective cones, or flares. Cones and flares may be placed around the roadway obstruction to increase its visibility.

To get attention and direct vehicle movement, make eye contact with drivers, use a whistle, and make clear hand movements. When using a flashlight direction wand at night or during bad weather, make slower and more exaggerated motions because drivers may have difficulty interpreting short, sharp motions. The orange flashlight cone should be used to enhance signals given with a flashlight. Flashlight signals can mirror those of hand signals.

To stop traffic:

- Point and make direct eye contact with the driver you want to stop.
- Raise one hand with your palm toward the driver until they stop; you may point with the other hand to the exact location where the driver is to stop.
- When stopping vehicles on open high-speed highways, you should face the traffic to be stopped and extend both hands above your head.

To start and maintain traffic flow:

- Point at the driver being directed to start and make eye contact.
- Rotate your hand up and over your chin, bending at the elbow.

To turn traffic flow:

- Turns will be directed only when they can be accomplished safely.
- Turns will be directed by pointing at the driver until eye contact is made, then pointing in the direction of the turn.

Audible signals:

- Whistles can be used along with hand signals.
- One long blast signals motorists to stop.
- Two short blasts signal motorists to proceed.
- Multiple short blasts may be used to gain the attention of drivers not responding to your signals.

Normal vehicle traffic patterns may resume once an officer confirms the obstruction has been removed and the roadway issue has been resolved. The officer should stop all lanes of traffic, remove and deactivate all traffic warning equipment, and signal drivers to continue normal traffic patterns.

Section 316.1301, F.S., states that whenever a pedestrian is crossing, or attempting to cross, a public street or highway, guided by a service animal or carrying a cane that is white or white with a red tip, all drivers approaching the place where the blind or partially blind pedestrian is attempting to cross must stop. Before proceeding, drivers must take precautions to avoid injury.

While a white cane or service animal are indicators of a pedestrian's partial or total blindness, all pedestrians should be afforded the same rights when crossing a public street or highway. Officers should also be aware that it is unlawful for any person not partially or totally blind or otherwise incapacitated to carry a white cane in a raised or extended way.

UNIT 5 | DIRECTING TRAFFIC

LESSON 2 | Pedestrian Traffic

OBJECTIVES

- LE660.1.** Explain the purpose of a pre-event briefing for a planned event involving the movement of large groups of pedestrians.
- LE660.2.** Describe how to safely direct pedestrian traffic during a planned event.
- LE660.3.** Explain effective re-direction of pedestrian traffic during a planned event and emergency situations.

LESSON GOAL: At the end of this lesson, you will be able to direct pedestrian traffic by identifying safe and efficient actions in planned or emergency situations.

Officers may be called to direct pedestrian traffic for coordinated events or unplanned incidents, such as sporting events, festivals, natural disasters, critical incidents, parades, or a disabled traffic signal. Regardless of the nature of the event or incident, officers should wear a reflective safety vest and use high-visibility equipment.

Coordinated events are typically planned in advance with established pedestrian routes. Officers may attend a pre-event briefing to obtain their duty location, responsibilities, and duration of assignment.

While directing pedestrian traffic from the duty location, maintain situational awareness to ensure the safety of all pedestrians and motorists. Signals used to direct vehicle traffic can also be used to direct pedestrian traffic. When directing pedestrian traffic you should ensure all vehicle traffic has stopped prior to allowing pedestrian traffic to flow, pedestrian walkways are not blocked, and you are positioned between pedestrians and vehicles while maintaining visibility at all times.

Unexpected circumstances can develop during the planned event which requires the officer to develop a plan to safely re-route pedestrians out of the area. Adjustments to the established pedestrian traffic route should be conveyed to the event coordinator. When establishing the plan, consider the following:

- traffic volume and speed
- number of pedestrians present
- how long the traffic congestion may last
- whether there are any traffic control devices available
- geographic area
- nature of the event
- most efficient and safest route
- staging of traffic control equipment
- need for additional resources
- any environmental hazards

During an unplanned event people may become emotionally charged or panicked; therefore, officers should use command presence and clear instructions to establish and maintain order.

UNIT 6 | RESPONDING TO A PERSON IN CRISIS

LESSON 1 | Crisis Situations

OBJECTIVES

- LE629.7.** Describe how the officer initially responds to a call for service involving a person in a crisis situation.
- LE629.8.** Describe the basic tasks that the officer should perform when managing a call for service involving a person in a crisis situation.
- LE629.9.** Describe how the officer should gather information from a person involved in a crisis situation.

LESSON GOAL: At the end of this lesson, you should be able to respond to a crisis situation using officer safety techniques, gather information, assess the situation, and manage the scene of the crisis.

Responding to the Call

Calls for service involving a person in crisis may include: suicide, person distraught over a divorce, or financial problems. Law enforcement officers receive crisis calls in various ways. Calls can be dispatched or an officer may observe a crisis situation while on patrol. Crisis calls may also develop out of another call. When arriving at the scene, be aware that the person may be at any stage of crisis. The goal in these situations is to safely restore or maintain order.

As with any call, the officer should notify dispatch upon arrival at the scene. You should get as much information as possible to help ensure your safe arrival, including the exact location and nature of the call, any weapons involved, the number of people involved, and the name of the person who called. Notify dispatch of any significant changes during the incident.

Approaching the Scene

An inconspicuous arrival, sometimes known as invisible deployment, will maximize officer safety. You should proceed as quickly and safely as possible, and if emergency equipment (such as lights and siren) is used, consider turning it off when nearing the scene. Do not drive by or park directly in front of the location. Take note of vehicles and the number of people in the area and watch for unusual activity. Request a backup unit if one has not been dispatched. After assessing the situation, enter the scene safely and approach with caution, look for cover and concealment, and survey entrances, exits, and surroundings. Officers should be aware of the potential for ambush.

Do not stand directly in front of the door when making contact. Identify yourself and state the purpose of your visit. Once inside, move to and maintain a position of advantage. Stay out of doorways and visually assess the scene, taking note of the number of people present. Observe their hands, body language, and facial expressions. Scan for hazards such as possible weapons, dangerous pets, or possible hiding places.

Assessing

Many people may be present when you arrive, and the person experiencing the crisis may not be immediately obvious. Identify the person through observation and asking questions. While determining the nature of the crisis, assess the subject's physical,

intellectual, and emotional well-being, and how likely they are to be violent. Determine if the person is sick, injured, under the influence of drugs or alcohol, or has committed or been the victim of a crime. The person may appear disoriented, incoherent, unfocused, or exhibit abnormal behavior and may not respond to the officer. The person may require additional assistance from EMS.

Managing the Scene

Any immediate threats should be dealt with first. The officer must manage all people involved during a crisis situation and remove the individual in crisis from the crowd if necessary. An officer's demeanor can impact the situation, either helping to defuse or elevate the crisis. Crises may become more unstable if an officer interjects their personal mood, bias, or prejudice. In managing a crisis situation, use various techniques to stabilize and maintain control. Make eye contact when interviewing while maintaining an awareness of your surroundings. Officers should maintain visual contact with each other whenever possible. It is essential to know the location of backup officers.

Separating the involved parties breaks eye contact, refocuses their attention on the officer, and can reduce tension and calm the situation. You can also separate people using partitions or a doorway. This reduces the potential for verbal insults and physical threats. Encouraging a person in crisis to sit can reduce physical tension and calm the situation. Direct people to specific seats only after assessing the area for weapons. This reduces their mobility and limits their access to weapons, exits, or other people.

Keep in mind the concepts of proximity and personal space. Each individual will have different boundaries regarding personal space, and may become uncooperative or violent if an officer stands too close. People prone to violence or abuse may require additional personal space.

Loud sounds can elevate the tension of the situation and make it difficult to communicate. Officers should be aware that lowering the noise level reduces tension and relaxes people. To reduce distractions, turn down noise sources such as music systems and televisions, and ask bystanders to step away. This allows the officer and people involved to effectively communicate.

Gathering Information

Gather information about the crisis by interviewing witnesses separately. During the interview with the person in crisis, the officer should empathize, and avoid making light of the situation. Ask appropriate questions to help identify the problem and determine the proper intervention. Establish rapport with the subject by expressing genuine interest and concern. Ask one question at a time, using simple vocabulary and sentence structure. Start with open-ended questions and statements, and then move into more specific questions. Follow-up questions will help clear up vagueness or inconsistencies.

UNIT 6 | RESPONDING TO A PERSON IN CRISIS

LESSON 2 | Intervention and Referral

OBJECTIVES

LE076.1. Assess a person with special needs or developmental disabilities to determine the safest appropriate level of assistance.

LE076.2. Separate the person with special needs or developmental disabilities from the aggravating stimuli.

LE076.3. Explain the importance of using available resources and interpersonal skills when making contact with persons with special needs or developmental disabilities.

LE076.4. Identify available resources to assist the person with special needs or developmental disabilities.

LE628.1. Gather information regarding the mentally impaired person by surveying the scene and interviewing involved parties.

LE628.2. Assess the person for mental impairment to determine if he or she presents an immediate threat to self or others.

LE630.1. Assess the person for substance abuse impairment to determine if he or she presents an immediate threat to self or others.

LE632.1. Describe the first steps an officer should take when responding to a suicide situation.

LE632.2. Determine if the person threatening suicide needs immediate medical assistance by applying first aid techniques.

LESSON GOAL: At the end of this lesson, you should be able to recognize the signs of a person with special needs or developmental disabilities, or an individual in a crisis. You should also be able to determine appropriate intervention.

It is important for officers to be familiar with the different types of intervention. Examples of intervention options include:

- relocating the person to a safe environment
- taking the person into custody if he or she has committed a crime
- initiating an involuntary treatment referral via the Baker or Marchman Acts
- making a referral for services
- arranging for or providing transportation as necessary

An officer must decide if people involved in a crisis must be removed from the situation for their safety. When dealing with people in crisis, you must answer these questions: Can the people in crisis care for themselves? Are they a threat to themselves or others? A criminal investigation will be initiated in situations where the officer has evidence that someone has been abused.

Crisis situations that involve domestic violence, child abuse, disabled adult or elder abuse, and suicide risks all require a referral by law. In certain cases of abuse, the law mandates the removal of the endangered person and custodial arrest of the abuser. Florida Statutes requires that law enforcement follow appropriate agency policy and procedures to assist the Department of Children and Families.

Officers must be knowledgeable about available resources and refer the individual in crisis to the appropriate services, which can be identified during the investigation. After identifying the need for a referral, locate an appropriate service agency and help the person get the service. This could involve a transport or merely providing contact information.

The referral agency will attempt to mitigate the crisis and give the person assistance. For example, an elderly neighbor living alone may be a concern to others. A referral to the senior center could provide daytime activities, companionship, and daily meals. Referral sources cover a wide range of service types from employment to medical assistance.

Suicide

People with suicidal intentions have a diminished value of life and may be more inclined to use deadly force on others. There are a variety of indicators and observations an officer may use to assess an individual's risk for suicide. A person with suicidal intentions may talk about committing suicide, attempt intentional self-injury, write suicide notes, or sketch death-related drawings.

Responding to Individuals at Risk for Suicide

Responding to a situation in which an individual is suicidal requires an officer to remain aware of officer safety issues, while providing intervention for an individual in crisis. Be aware that an existing suicidal situation may be aggravated through inappropriate handling of a mentally distraught subject. Suicide threat calls are life-threatening situations for all parties involved.

Prior to arrival, the responding officers should:

- request assistance such as additional officers, EMS, or CIT
- coordinate responsibilities and tactics with other responding officers and EMS
- request from dispatch information about:
 - weapons on scene
 - subject's intended method of suicide
 - location and subject's call history

Once on scene the officer must immediately determine if the subject has access to weapons. Be aware that the person might initiate a sudden attack on the officer or others. The officer should respond with the appropriate level of force in response to the subject's resistance. Some individuals may attempt to end their lives by intentionally provoking officers to use deadly force. This is commonly referred to as **suicide by cop**. Avoid intentionally exposing yourself to unnecessary danger to disarm a suicidal subject. Use appropriate tactics, equipment, and verbal commands in an effort to deescalate the situation. Officers can use verbal commands or nonlethal weapons as the situation dictates. These situations are volatile and you may have to resort to deadly force.

Depending upon the circumstances of the scene, it might be necessary for you to remove the individual from danger to a place of safety, and remove any aggravating stimuli and onlookers. Do not leave the person alone.

If there is no immediate threat to the officer or others, attempt to establish dialogue, clear the scene of bystanders and any weapons or potential weapons, render first aid and request EMS as necessary.

Communicating with a suicidal person is a vital part of the intervention process. The officer should try to speak to the person while behind cover and keep the suicidal person talking. Carefully listen to what the person says and how he or she says it.

LE632.3. Gather information regarding the suicide threat by surveying the scene and interviewing involved parties.

LE632.4. Determine the appropriate assistance through intervention and referral when responding to an individual at high risk for suicide.

LE774.5. Describe how to interact with individuals with autism through effective communication and appropriate accommodations.

LE784.9. Describe the techniques for responding professionally with an individual with a mental illness.

Through active listening, you may learn how serious and immediate the suicide threat is and possibly what method the person plans to use. Through careful listening an officer may also learn about the person's openness to available resources. Show support, empathy, and interest by talking directly to the person without being judgmental. Try to convey patience, self-assurance, and hope. A law enforcement officer can provide assistance through either intervention or referral.

A suicidal person needs evaluation from a medical or mental health service provider as soon as possible. In cases where the person is confirmed to be suicidal, the officer should take the subject into custody under the provisions of the Baker Act statute. The receiving facility should be notified of the possible suicide risk.

Available Resources

The National Suicide Prevention Lifeline is a service available to anyone and may be contacted at any time by calling 1-800-273-TALK (8255). Other community resources, friends, religious leaders, and relatives may also be available to assist a person contemplating suicide.

Baker Act

The officer may respond to a call for service involving a person demonstrating that he or she is a danger to themselves or others. These calls may be initiated by the subject, a family or household member, member of the public, or because of observations made by the officer.

The Baker Act provides for emergency service and temporary detention for evaluation and voluntary or involuntary short-term community inpatient treatment for those experiencing mental health problems, if necessary.

Criteria for the Baker Act are discussed more fully in Chapter 3. Officers should approach the scene maintaining situational awareness and officer safety practices. Situations involving the Baker Act have the potential for being volatile; backup is highly recommended. The officer should interview the subject, complainant, and any witnesses to gather information about the subject. This information will be used to determine if the subject should be taken into custody under the Baker Act. When making contact with the subject, use effective interpersonal skills to establish rapport. Assess the person's mental status by evaluating the following factors:

- the subject's environment
- behavior of and statements made by the subject
- any self-inflicted injury of the subject
- complainant or witnesses statements

If the initial evaluation reveals an immediate medical need, render first aid and request emergency medical services. After taking the subject into custody, the officer must deliver him or her to the nearest receiving or mental health facility. Specific documentation must be completed, provided to the receiving facility, and included in your report.

Marchman Act

An officer may respond to a call for service involving a person that is significantly impaired by drugs or alcohol to the extent that he or she may cause harm to him- or herself or others and refuse assistance. In these circumstances a person may be placed into protective custody under the Marchman Act. The Marchman Act

provides for the involuntary or voluntary assessment and stabilization of a person allegedly abusing substances such as drugs or alcohol and provides for treatment of substance abuse. These calls may be initiated by a family or household member, member of the public, or because of observations made by the officer.

Officers should approach the scene maintaining situational awareness and sound officer safety practices. Situations involving the Marchman Act have the potential for being unpredictable; therefore, backup is highly recommended. The officer should interview the complainant or any witnesses who may be able to provide assistance in identifying the impaired person and the background and extent of their substance abuse.

When making contact with the person, use effective interpersonal skills in an attempt to establish a dialogue. Assess the person's physical condition through observation and by checking their vital signs. If the impaired person is injured, incoherent, or nonresponsive, request assistance from EMS. Information from the initial assessment can assist you in determining if the impaired person is an immediate threat to themselves or others as outlined in s. 397.675, F.S.

The Marchman Act provides several options for an officer to take a person into protective custody or deliver them to a treatment facility. These options include securing voluntary submission, petitioning for an ex parte order, or initiating an involuntary admission for alcohol or substance abuse.

Recall from Chapter 3 that mere refusal to receive such services is not evidence of a lack of judgment with regard to the subject's need for such services.

Upon taking the impaired person into protective custody the officer should deliver them to the nearest licensed treatment facility. If the facility is unable to accept the substance abuser, the officer is authorized by Florida Statutes to take the person to a detention facility within the jurisdiction (as per s. 397.6772(1)(b), F.S.)

Responding to Individuals with Autism

When responding to calls for service, you may unexpectedly encounter individuals with autism. Responding to calls that involve a person with autism will challenge the training, instincts, and professional conduct of the officer. Remember, people with autism are unique and may act or react differently. Once you have made the determination that an individual is or may be autistic, there are techniques of approach you may use to avoid or de-escalate a situation. Whenever possible, make every effort to locate a family member or caregiver. They may understand the autistic individual's sensitivities or triggers and have specific knowledge of how to calm them.

Directing Individuals with Autism

Often, an autistic individual will have difficulty following verbal commands and interpreting body language.

Techniques you may use when verbally directing individuals with autism:

- Maintain a calm presence
- Speak clearly
- Use direct phrases, avoid slang expressions
- Be patient and allow extra time for responses
- Verbalize your actions before initiating them
- Model the behavior you wish for them to follow

- Give praise and encouragement when appropriate
- Avoid quick movements
- Be alert for possible verbal or behavioral outbursts

If an individual with autism becomes agitated, maintain a calm presence. Do not attempt to stop self-stimulating behaviors, such as body rocking, pacing, spinning, or hand flapping, unless he or she is in immediate danger to self or others. Stopping these behaviors may only cause the situation to escalate.

Techniques you may use when responding to individuals with autism:

- Allow repetitive coping skills to continue if the situation allows
- Be aware that touching an individual with autism may cause a “fight or flight” reaction
- Decrease sensory input for hypersensitive individuals
 - Turn off lights and sirens
 - Lower the volume on portable radio
 - Turn off flashlights if possible
 - Disperse loud crowds
 - Remove barking dogs
- Keep the individual strategically isolated, such as in a stairwell

In Custody

Various concerns such as self-injurious behaviors and medical issues such as seizure disorders can be problematic when taking a person with autism into custody.

Techniques you may use when taking an individual with autism into custody:

- Maintain a reactionary gap
- Evaluate the autistic individual for any injuries since indications of pain may not be apparent
- Remain alert to the possibility of the person with autism having an outburst or acting impulsively
- Autistic individuals may have poor muscle tone so positional asphyxia is a concern
- Alert jail authorities that you have an individual with autism

If there is a need for services, refer a person with autism to the Department of Children and Families, the local mental health facility, the Center for Autism and Related Disorders (CARD), or the Autism Society of Florida.

Responding to Individuals with Mental Illnesses

When responding to a call or disturbance involving a person who may have a mental illness, your concerns are the same as in any other situation. Determine the nature of the environment, setting, or context of the situation, what has happened, and who is involved. People with mental illness have the same rights as anyone else without a mental illness. According to Florida Statutes section 394.459, people with mental illness have the right to be treated with dignity.

To communicate with persons who are mentally ill employ the following techniques.

- Calming: Defuse the intensity of the situation. Treat people with courtesy and speak politely to create a comfortable atmosphere for conversation. Employ active listening skills. Be aware of your body language to avoid a threatening and intimidating posture. Use a calm, low voice, intermittent eye contact, and maintain an appropriate reactionary gap.
- Assessing the situation: Be aware of behaviors, statements, and the possible role of medications (or missed medications). If a person is “hearing voices,” you may want to ask them “What are the voices saying?” rather than “What do you hear?”
- Take into account the environment’s effect and the current circumstances, including the presence of injuries, or signs of substance abuse.

Facilitating resolutions—You have the following response options available when dealing with a person in a mental health crisis: release, voluntary examination, involuntary examination under the Baker or Marchman Acts, and arrest.

The officer may respond to a call for service for breach of peace, disturbance, unusual conduct, or Baker or Marchman Act when, in fact, they are responding to an incident involving a developmentally challenged or special needs person. If you discover that is the situation, be aware that there may be communication difficulties and try to contact a caregiver or family member who can facilitate communication.

The responding officer should employ officer safety protocols, determine if any threats are present, and if the subject is a threat to him- or herself or others. When arriving, assess the scene to determine if medical assistance is needed. Apply first aid techniques or request EMS, as appropriate. Request assistance from a crisis intervention team if appropriate.

Gather information to identify and eliminate any stimuli that is aggravating to the person with developmental disabilities or special needs. Examples of aggravating stimuli can include an agitating caretaker, family member, object, noise, or animal.

The officer should interview people at the scene of the incident and observe the actions of the special needs person. Respect the personal space as intellectually disabled or special needs people are often sensitive to physical contact, lights, and sounds.

Be aware of additional resources in the community that may assist the developmentally challenged or special needs resident to include mental health facilities, Department of Children and Families, or crisis centers. Explain to the caregiver or family the resources available to successfully resolve the situation. Determine if the special needs person meets the criteria for the Baker Act or should be left with their legal guardian or caregiver.

SECTION VOCABULARY

suicide by cop

UNIT 6 | RESPONDING TO A PERSON IN CRISIS

LESSON 3 | Transportation and Documentation

OBJECTIVES

LE628.3. Transport the individual being assessed for the Baker Act to the appropriate medical or treatment facility.

LE628.4. Prepare proper documentation for assessing a person for mental status and Baker Act criteria in accordance with agency policy and procedure.

LE628.5. Correctly complete a Baker Act Involuntary Assessment Form, CF-MH 3052a.

LE630.2. Transport the individual being assessed for the Marchman Act to the appropriate medical or treatment facility.

LE630.3. Prepare proper documentation for assessing a person for substance abuse issues and Marchman Act criteria in accordance with agency policy and procedure.

LESSON GOAL: At the end of this lesson, you will understand noncustodial transport and the correct documentation procedure when interacting with a person with an intellectual disability.

In addition to making a referral for services, the law enforcement officer may have to transport a person to another location. A law enforcement agency may have a memorandum of understanding with receiving facilities that reflects a single set of protocols for the safe and secure transportation of the person and transfer of custody to a responsible person. If there is a person in need of protective services the officer may need to arrange or provide for special transport to any of the following locations:

- mental health facility
- hospital
- substance abuse treatment facility
- jail facility
- shelter/safe house

If the individual is being assessed for the Baker or Marchman Acts, follow your agency policy and procedures regarding noncustodial transport and escort the individual to the appropriate receiving facility.

Documenting a Crisis Situation

Like most incidents in which a law enforcement officer becomes involved, crises must be documented. Depending upon the situation, the required forms may include:

- Baker Act form CF-MH 3052a
- Transportation form CF-MH 3100
- Agency specific Marchman Act form(s)

The officer's agency reports should be as detailed as possible and include the victim's and subject's statements, actions, reactions, physical condition, and appearance. Additional information should include witness statements, known medications, weapons involved, and the disposition of the incident. Documenting these incidents provides historical data and special hazards for future responding officers.

CHAPTER 7

Criminal Investigations

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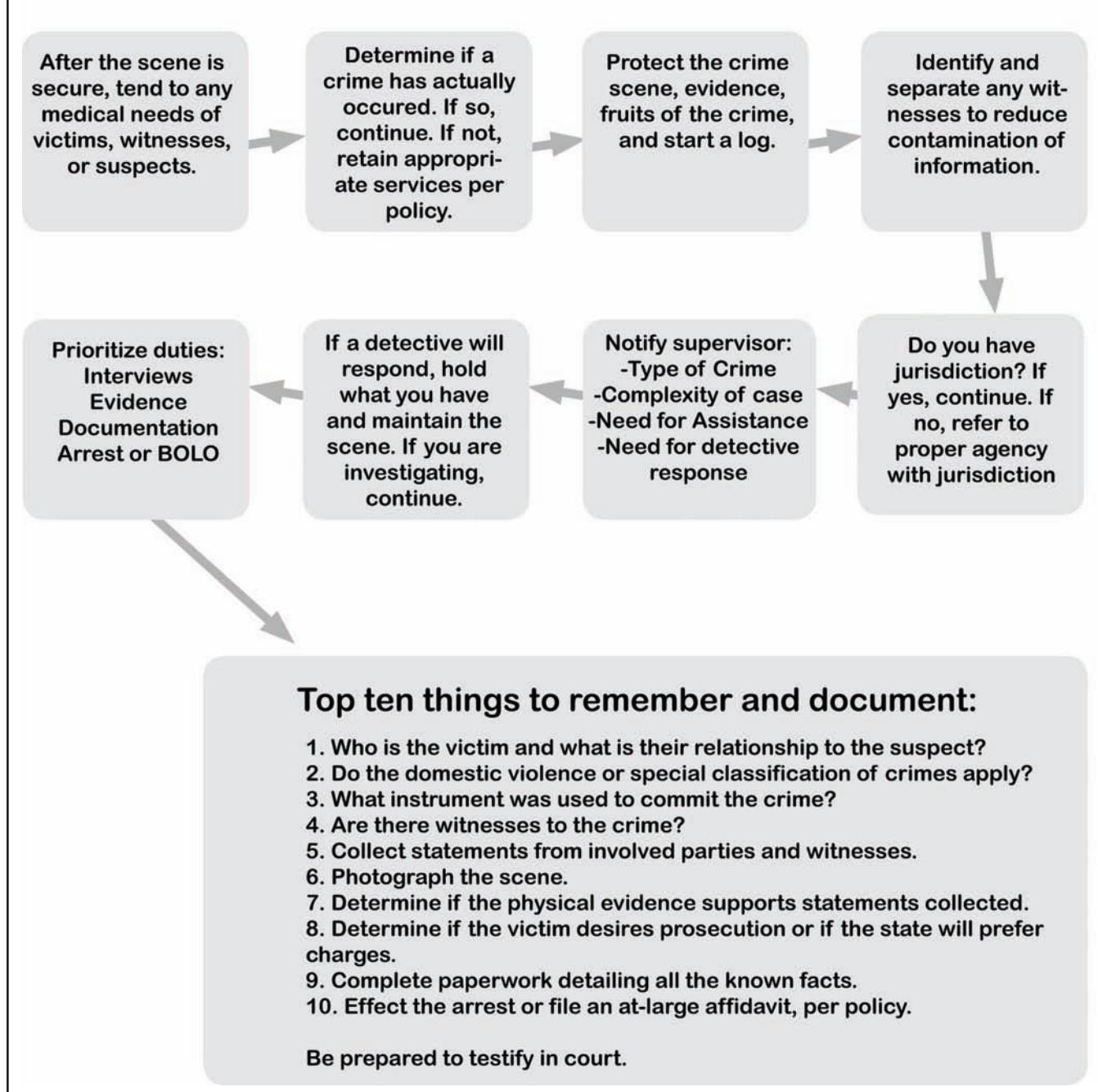
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An officer's role has grown beyond the traditional law enforcement duties to fulfilling the ever-changing needs of the community. It is a common occurrence to hear someone state that officers are "a jack of all trades." Officers perform their duties and withstand intense scrutiny from the media, professional standard review boards, and the court of public opinion. Of all the tasks assigned to a law enforcement officer, none is more important than conducting an impartial investigation to bring a suspect to justice. This is the main reason officers have earned the public's trust over years of service. The quality of an investigation will undergo scrutiny beginning with the supervisor's review of the initial report and ending with the appeal process. Officers must conduct each investigation with attention to accuracy, detail, and professionalism. Officers will establish a reputation in court and in public based upon the quality of their work.

As you respond to an initial call for service, always preserve life first and then work to preserve the scene for investigation. Some of these calls for service may result in a specialized investigation that requires advanced training. This chapter will identify the key elements of crimes most frequently encountered during a shift to help you avoid some common mistakes made in the field. By following a basic investigative sequence and organizing a systematic approach to each investigation, you can help assure the community receives quality service from the criminal justice community.

Basic Investigation Flow Chart



UNIT 1 | CRIMES AGAINST PERSONS

LESSON 1 | Assault and Battery

LESSON GOAL: At the end of this lesson, you should be able to respond to an incident involving assault and battery and determine the appropriate course of action and charges if necessary.

Some of the most common calls for service, from dispatch, concerned residents, or your observation, involve disputes and fighting. If left unchecked and uninvestigated, these types of offenses can lead to more serious crimes and injuries.

Assault

Florida Statutes clearly outlines the elements and differences between assault and battery in chapter 784. An **assault** involves verbal threats without physical contact. To establish probable cause for assault, document that the suspect:

- intentionally and unlawfully threatened, by either word or act, to do violence to a victim,
- appeared to have the ability to carry out the threat at the time, and
- created in the mind of the victim a well-founded fear that violence was about to take place.

Aggravated Assault

To establish probable cause for aggravated assault, document that the suspect:

- intentionally and unlawfully threatened, by either word or act, to do violence to a victim,
- must appear to have the ability to carry out the threat at the time,
- created in the mind of the victim a well-founded fear that violence was about to take place, and
- made a fully formed, conscious intent to commit violence to a victim using a deadly weapon.

Assault is verbal; a **battery** moves violence into the realm of physical contact, which is more dangerous to the victim. Both can lead to physical injuries, as the assault can escalate into a battery.

Battery

To establish probable cause for battery, document that the suspect intentionally touched or struck the victim against his or her will, or the suspect intentionally caused bodily harm to the victim.

OBJECTIVES

LE727.1. Determine if the incident is an assault or battery by applying the elements of Florida Statutes.

LE727.2. Differentiate between an assault and battery according to the Florida Statutes.

LE727.3. Determine the statutory authority in which the officer can make a warrantless arrest in a battery situation.

LE727.4. Provide examples of possible statutory enhancements associated with assault and battery.

LE727.5. Choose the type of information to provide the victim of assault or battery regarding options for problem resolution or possible course of action.

Aggravated Battery

To establish probable cause for aggravated battery, document that the suspect intentionally touched or struck the victim against his or her will, or the suspect intentionally caused bodily harm to the victim.

In addition, document that while committing the battery, the suspect intentionally or knowingly caused great bodily harm, permanent disability, permanent disfigurement, or used a deadly weapon. A weapon is a **deadly weapon** if the suspect uses or threatens to use it in a way likely to cause death or great bodily harm.

If the victim was pregnant at the time of the battery, whether the suspect knew or should have known the victim was pregnant, this upgrades the battery charge to aggravated battery, or an additional or separate offense.

Felony Battery

To establish probable cause for felony battery, document that the suspect actually and intentionally touched or struck the victim against his or her will and that the suspect caused the victim great bodily harm, permanent disability, or permanent disfigurement.

Enhancements

If the victim of the assault, aggravated assault, battery or aggravated battery is 65 years of age or older, the degree of the offense will change.

The assault, aggravated assault, battery, or aggravated battery of an officer, firefighter, or EMS provider requires you to document three other elements:

- The victim was at the time of the assault a law enforcement officer, firefighter, EMS provider, traffic accident investigation officer, traffic infraction enforcement officer, parking enforcement specialist, security officer employed by the board of trustees of a community college, or federal law enforcement officer.
- The victim was engaged in the lawful performance of his or her duties at the time of the assault.
- The suspect knew the victim was one of the workers listed above at the time of the assault.

The battery of a correctional facility employee requires you to document an additional five elements:

- The suspect was in a correctional facility, in custody.
- The suspect intentionally touched, struck, or attempted to touch or strike the victim against his or her will by throwing, tossing, or expelling blood, saliva, chewed food, seminal fluid, urine, or feces at the victim.
- The suspect intended to harass, annoy, threaten, or alarm the victim.
- The victim was a correctional facility employee.
- The suspect knew the victim or had reason to know the victim was a facility employee.

If probable cause exists, make a warrantless arrest for battery. Even when the battery is not committed in your presence, you have the authority to arrest a suspect for a battery.

Base the arrest on probable cause, which may consist of physical evidence and/or sworn statements; however, document that a threat of continued violence exists if you do not make an arrest.

Provide the victim of assault or battery with a victim's rights packet, which explains options for problem resolution or a possible course of action. These packets will vary from agency to agency and by Florida Statutes, but it is required that all victims receive one.

SECTION VOCABULARY

assault

battery

deadly weapon

UNIT 1 | CRIMES AGAINST PERSONS

LESSON 2 | Stalking

LESSON GOAL: At the end of this lesson, you should be able to respond to an incident involving stalking and to determine the appropriate course of action and charges if necessary.

Stalking

Stalking involves unwanted and repeated attention by the suspect towards the victim, family members, or individuals closely associated with the victim. It occurs across all socioeconomic and cultural barriers. Stalking is not a crime limited to people who have an existing relationship; sometimes the suspect is a stranger. Stalking is a victim-reported crime. Experienced officers know that this crime is often unreported; typically, less than half of stalking victims report. It is a crime of power and control and can easily escalate into aggravated stalking as the suspect progresses to more possessive and controlling behavior. Many times stalking events do not come to the attention of law enforcement until the situation has progressed to another crime such as sexual battery, aggravated assault, or murder.

OBJECTIVES

LE727.6. Determine if the incident is stalking by applying elements of the Florida Statutes.

SECTION VOCABULARY***credible threat******stalking***

Victims of stalking may be forced to move, change or leave jobs, purchase expensive security systems, change locks, cancel credit cards, and fix a stolen identity or bad credit scores. Some victims may need to change identities completely. Victims of stalking are more likely to drop out of school or college. All of these actions carry a high financial burden. Be aware of evidence of damage to security equipment, locks, and windows. Ask the victim if anything is missing or feels out of place in the home.

Florida Statutes clearly outlines the elements of stalking in s. 784.048. When establishing probable cause for stalking, document whether the suspect willfully, maliciously, and repeatedly followed, harassed, or cyber-stalked the victim.

Harassment is any behavior that targets a specific person and causes that person substantial emotional distress, and serves no legitimate purpose. Cyber-stalking is harassment communicated through words or images by using email or other electronic forms of communication.

Aggravated stalking occurs if an injunction is in place, the victim was under the age of 16 when the crime occurred, and/or if there are court-ordered restrictions. These three conditions change the degree of the offense.

An injunction is a court order, which requires a person to do or avoid doing specific acts.

Aggravated Stalking

To establish probable cause for aggravated stalking, document that the suspect willfully, maliciously, and repeatedly, followed, harassed, or cyber-stalked the victim, and the suspect made a credible threat with the intent to place the victim in reasonable fear of death or bodily injury.

Credible threat is a threat made with the intent to cause the person, who is the target of the threat, to fear for his or her safety, the safety of family members, or that of the individuals closely associated with the victim. The threat must be to cause bodily injury to or end the life of a person.

UNIT 1 | CRIMES AGAINST PERSONS

LESSON 3 | Child Abuse

LESSON GOAL: At the end of this lesson, you should be able to respond to an incident involving child abuse and determine the appropriate course of action and charges if necessary.

It is only a matter of time before you will be involved in an investigation of an incident where children are victims. The investigation of these crimes can be challenging and traumatic. Some of the most sensitive and disturbing crimes include child abuse, child neglect, child abandonment, and the sexual battery of a child. These are some of the most difficult situations to investigate, given the age and dependency of the victim on his or her abuser. Even the most experienced officers may have difficulties dealing with these types of investigations. Monitor your reactions and maintain an appropriate level of empathy and professional demeanor throughout the investigation.

Pay particular attention to the details of the investigation, because there are special considerations to observe during the investigation of any crime relating to juvenile victims. These limitations make it more challenging for both officers conducting the investigation and prosecutors. Some of these limitations may relate to the number and types of interviews allowed or conducted with the victim, as well as the qualifications of those conducting these interviews. This lesson will provide considerations and information about crimes involving victims who are children that help ensure a successful investigation. Even though an investigator will immediately look into most incidents of child abuse, it is important that the initial responding officer follow strict protocol during the initial contact and documentation.

Elements of Child Abuse

Florida Statutes clearly defines the elements of child abuse, neglect, and abandonment in chapter 827, F.S. **Abuse** is any willful act or threatened act that results in any physical, mental, or sexual injury or harm that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. Abuse of a child includes acts or omissions.

When it does not cause harm to the child, reasonable corporal discipline of a child by a parent or legal custodian for disciplinary purposes is not abuse. **Harm** can be any of the following:

- sprain, dislocation, or cartilage damage, bone or skull fracture, brain or spinal cord damage, intracranial hemorrhage, or injury to another internal organ
- asphyxiation, suffocation, or drowning

OBJECTIVES

LE051.1. Determine if the incident is child abuse by applying elements of the Florida Statutes.

LE051.2. Determine if the incident is aggravated child abuse by applying elements of the Florida Statutes.

LE051.3. Determine if the incident is child neglect by applying elements of the Florida Statutes.

LE051.4. Differentiate between child abandonment and surrendering a newborn when conducting an initial investigation and reporting these types of incidents.

LE051.5. Differentiate between the signs of child abuse, neglect, and abandonment when conducting an initial investigation and reporting these types of incidents.

LE051.6. Determine if the incident is contributing to the delinquency of a minor by applying elements of the Florida Statutes.

LE051.7. Determine if the incident is sexual performance of a child by applying elements of the Florida Statutes.

LE051.8. Determine if the incident is online solicitation of a child for unlawful sexual conduct by applying elements of the Florida Statutes.

LE051.9. Determine when sexual battery of a child is child abuse by applying elements of the Florida Statutes.

LE051.10. Determine if the victim is in imminent danger of abuse, neglect, or abandonment prior to removing the child from the home.

LE051.11. Communicate with the Department of Children and Families Child Protective Investigator when considering the safety of the victim for immediate or delayed removal of the child.

LE051.12. Separate the victim of child abuse or neglect from the suspected abuser to ensure the safety of the victim.

LE051.13. Interview the primary caregiver when conducting an initial investigation for child abuse, neglect, or abandonment.

LE051.14. Apply state and local judicial procedures regarding interviewing juveniles prior to interviewing a victim of child abuse, neglect, or abandonment.

LE051.15. Determine if the facts and circumstances of the incident meet the statutory elements required when making an arrest for child abuse, neglect, or abandonment.

LE051.16. Document an incident of child abuse, neglect, and abandonment according to the Florida Statutes.

LE052.1. Gather information related to an incident of child abuse, neglect, and abandonment by contacting the Department of Children and Families Child Protective Investigator.

- injury resulting from the use of a deadly weapon
- burns or scalding, cuts, lacerations, punctures, or bites
- permanent or temporary disfigurement, permanent or temporary loss or impairment of a body part or function

To establish probable cause for child abuse, document that the victim was less than 18 years of age and the suspect knowingly or willfully:

- inflicted physical or mental injury upon the child victim
- committed an intentional act that could reasonably be expected to result in physical or mental injury to the child victim
- actively encouraged another person to commit an act that resulted in or could reasonably have been expected to result in physical or mental injury upon the child victim

Physical injury is death, permanent or temporary disfigurement, or impairment of any body part. **Mental injury** is an injury to the intellectual or psychological capacity of a child as evidenced by a discernible and substantial impairment in the ability to function within the normal range of performance and behavior.

Legal custody is:

- a legal status created by a court, which appoints a person a custodian or guardian, whether an agency or an individual (for example, the Department of Children and Families may have custody, or a member of the child's extended family may be awarded custody)
- the right to have physical custody of the child and the right and duty to protect, nurture, guide, and discipline the child
- the right to provide the child with food, shelter, education, and ordinary medical, dental, psychiatric, and psychological care

Aggravated Child Abuse

According to s. 827.03, F.S., to establish probable cause for **aggravated child abuse**, document that the victim was less than 18 years of age and the suspect did any of the following acts:

- committed aggravated battery upon the victim
- willfully tortured the victim
- maliciously punished the victim
- willfully and unlawfully caged the victim
- knowingly or willfully committed child abuse upon the victim and in so doing caused great bodily harm, permanent disability, or permanent disfigurement, or used a deadly weapon

“Willfully” is knowingly, intentionally, and purposefully. “Maliciously” is:

- wrongful, intentional, and without legal justification or excuse;
- established by circumstances from which one could conclude that a reasonable parent would not have engaged in the damaging acts toward the child for any valid reason; and
- when the primary purpose of the acts was to cause the victim unjustifiable pain or injury

Elements of Child Neglect

Section 827.03(e), F.S., provides a comprehensive definition of child neglect. Document that the victim was less than 18 years of age to establish probable cause for child neglect without bodily harm. The suspect was a caregiver for the victim and willfully, or by culpable negligence, failed or omitted to provide the victim with the care, supervision, and services necessary to maintain the victim’s physical or mental health, or failed to make a reasonable effort to protect the victim from abuse, neglect, or exploitation by another person.

Child neglect can be repeated conduct or a single omission. The neglect can result in, or be expected to result in, serious physical or mental injury, or pose a substantial risk of death to the child.

Child neglect occurs when a caregiver deprives a child of, or allows the deprivation of, necessary food, clothing, shelter, or medical treatment, or allows the child to live in an environment when such deprivation or environment causes the child’s physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. **Caregiver** is a parent, adult household member, or other person responsible for a child’s welfare. Culpable negligence is recklessly acting without reasonable caution and putting another person at risk of injury or death (or failing to do something with the same consequences). Culpable negligence is more than a failure to use ordinary care for others; it is gross and flagrant negligence, committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct the suspect must have known, or reasonably should have known, was likely to cause death or great bodily harm.

Establish probable cause for child neglect with bodily harm by documenting that the victim was less than 18 years of age, the suspect was a caregiver for the victim, and the suspect caused great bodily harm, permanent disability, and/or permanent disfigurement to the victim because the suspect either:

- willfully or by culpable negligence failed or omitted to provide the victim with the care, supervision, and services necessary to maintain the victim’s physical or mental health or
- failed to make a reasonable effort to protect the victim from abuse, neglect, or exploitation by another person.

LE052.2. Escort a Department of Children and Families Child Protective Investigator safely by applying the background information of the primary caregiver.

LE052.3. Differentiate the role of the law enforcement officer and the Department of Children and Families Child Protective Investigator in response to a child abuse, neglect, or abandonment situation.

To establish probable cause for leaving a child unattended or unsupervised in a motor vehicle, document that the victim was less than six years of age and that the suspect was:

- a parent of, legal guardian for, or person responsible for the victim,
- left the victim unattended or unsupervised in a motor vehicle for more than 15 minutes or while the motor was running and the health of the victim was in danger, and
- caused great bodily harm, a permanent disability, and/or permanent disfigurement to the victim.

Signs of Child Abuse or Neglect

Child abuse or neglect may include the following:

- inflicting or allowing physical, mental, or emotional injury
- committing or allowing sexual battery, or lewd or lascivious acts
- allowing, encouraging, or forcing the sexual exploitation of a child
- abandoning a child
- exposing a child to an illegal controlled substance
- using mechanical devices, unreasonable restraint, or extended periods of isolation to control a child
- engaging in violent behavior that demonstrates a wanton disregard for the presence of a child and could reasonably result in serious injury to the child
- negligently failing to protect a child from inflicted physical, mental, or sexual injury caused by acts of another
- allowing a child's sibling to die because of abuse or neglect

Behaviors that may indicate child abuse include the following:

- fears remaining at home, or returning to the home
- wary of adult contact
- startles easily
- appears overly affectionate (inappropriate) or withdrawn
- acts violently or aggressively
- cries uncontrollably
- exhibits inappropriate sexual behavior

Certain parental behaviors can indicate an environment of abuse, such as a very tense atmosphere in the home, unreasonable discipline, unrealistic expectations, and impulsive and inconsistent behaviors. You may be able to identify evidence of physical abuse easily because of its obvious appearance. Although it is not as easy to see, child neglect can be as harmful as child abuse. Some examples of abuse or neglect can also be signs of underlying medical conditions unrelated to abuse or neglect. Signs of neglect in the home can be the absence of necessities such as food, water, and heat. Victims can have bedsores, skin disorders, rashes, untreated injuries, or medical problems. The child may exhibit poor personal hygiene, including soiled clothing, matted or lice-infested hair, odors, dirty nails or skin, and the presence of feces. If the child's size is inconsistent with his or her age, this may be a sign of malnutrition and hunger. Fragile skin, dry, sore mouth, apathy, lack of

energy, and mental confusion can indicate dehydration. A pale complexion and sunken eyes or cheeks can indicate dehydration and malnutrition. You may discover the lack of clean bedding or clothing, or the child wearing clothing inappropriate for the weather. Infants can have a bald spot on the back of their heads that indicates neglect. Hazards in the home can include exposed wires and roach infestation. There may be signs of mismanaging medication such as empty, unmarked, and outdated prescription bottles.

Surrendered versus Abandoned Infants

A parent does not commit child abandonment or neglect, or contribute to a child's dependency, if he or she leaves a newborn infant at a hospital, EMS station, fire station, or brings a newborn infant to an emergency room and expresses intent to leave the infant and not return. Florida Statutes outlines the difference between abandonment and surrendering a newborn infant in ss. 827.035 and 383.50, F.S. A **newborn infant** is a child whom a licensed physician reasonably believes to be approximately seven days old or younger. Unless there is actual or suspected child abuse or neglect, a parent has the right to remain anonymous when surrendering an infant. You may not pursue or follow a parent that surrenders his or her newborn infant.

Abandonment is a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver, while being able, has made no significant contribution to the child's care and maintenance or has failed to establish or maintain a substantial and positive relationship with the child, or both.

Contributing to the Delinquency or Dependency of a Minor

Section 827.04, F.S., outlines the elements of contributing to the delinquency or dependency of a child, to include penalties. Examples include an adult keeping a child home from school, committing a crime in the presence of a child, or serving alcoholic beverages to a child. Establish probable cause for contributing to a child becoming a delinquent or dependent child, or a child in need of services by documenting that the suspect knowingly commits any acts that cause, tend to cause, encourage, or contribute to a child becoming a delinquent or dependent child or a child in need of services.

The suspect uses acts, threats, commands, or persuasion to get a child to commit or perform any act, follow any course of conduct, or live in a way that causes or might cause the child to become or remain a delinquent or dependent child or a child in need of services.

To establish probable cause for contributing to child dependency by a person 21 years or older impregnating a child less than 16 years of age, document that at the time, the victim was less than 16 years of age, and the suspect was 21 years of age or older and impregnated the victim. Even if the victim consented or had a sexual history, such an interaction is still illegal.

Sexual Performance of a Child

To establish probable cause for arresting a person for the use of a child in a sexual performance, document that the victim was less than 18 years of age at the time that the suspect employed, authorized, or induced the victim to engage in a sexual performance, and knew the character and content of the performance. Section 827.071, F.S., defines the elements and penalties for using, possessing, or promoting a sexual performance or conduct by a child.

Sexual performance is any performance or part of the performance, which includes sexual conduct by a child less than 18 years of age. **Performance** is any play, motion picture, photograph, or dance or any other visual representation exhibited before an audience or just one person. **Sexual conduct** is any of the following:

- actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or sadomasochistic abuse
- actual lewd exhibition of the genitals
- actual physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breast, with the intent to arouse or gratify the sexual desire of either party
- any act or conduct that constitutes sexual battery or simulates that sexual battery is being or will be committed

A mother's breastfeeding of her baby does not constitute, under any circumstance, sexual conduct. **Deviate sexual intercourse** is sexual conduct between people not married to each other consisting of contact between the penis and the anus, the mouth and the penis, or the mouth and the vulva. **Sadomasochistic abuse** is flagellation or torture by or upon a person, or the condition of being fettered, bound, or otherwise physically restrained, for the purpose of deriving sexual satisfaction from inflicting harm on another or receiving such harm oneself. Sexual battery is oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, sexual battery does not include an act done for a bona fide medical purpose. **Sexual bestiality** is any sexual act between a person and an animal involving the sex organ of the one and the mouth, anus, or vagina of the other. **Simulated** is the explicit depiction of sexual conduct, which creates the appearance of such conduct, and exhibits any uncovered portion of the breasts, genitals, or buttocks.

To establish probable cause for using a child in a sexual performance with the consent of a parent, legal guardian, or custodian, document that at the time, the victim was less than 18 years of age. The suspect was the parent, legal guardian, or custodian of the victim, employed, authorized, and/or induced the victim to engage in a sexual performance, and knew the character and content of the performance.

To establish probable cause for promoting a sexual performance by a child, document that the performance included sexual conduct by a child less than 18 years of age, and the suspect produced, directed, and/or promoted a performance and knew the character and content of the performance.

Promote means to procure, manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit, or advertise or to offer or agree to do the same.

To establish probable cause for possession of material including sexual conduct by a child less than 18 years of age, document the photograph, motion picture, exhibition, show, representation, and/or presentation included, in whole or in part. Also, document that the suspect knowingly possessed a photograph, motion picture, exhibition, show, representation, and/or presentation, and knew the photograph, motion picture, exhibition, show, representation, and/or presentation included sexual conduct by a child less than 18 years of age.

To establish probable cause for possession of material including sexual conduct by a child, with intent to promote, document that the suspect possessed a photograph, motion picture, exhibition, show, or representation with intent to promote. In addition, the presentation and the photograph, motion picture, exhibition, show, representation, and/or presentation included, in whole or in part, sexual conduct by a child less than 18 years of age.

Solicitation Online

When establishing probable cause for soliciting a child or a person believed to be a child for unlawful sexual conduct using a computer service or device, document that the suspect knowingly used a computer connected to the internet or local bulletin board service capable of electronic data storage or transmission to contact the victim. The victim was a child or someone the suspect believed was a child. According to s. 847.0135, F.S., such contact consists of the suspect seducing, soliciting, luring, enticing, or attempting to seduce, solicit, lure, or entice the victim to engage in any illegal act as charged in the indictment or information under:

- Chapter 794, Sexual Battery
- Chapter 800, Lewdness, Indecent Exposure
- Chapter 827, Abuse of Children, or

other unlawful sexual conduct with a child or with a person believed to be a child. Document if, during the contact, the suspect misrepresented his or her age to the victim and if the suspect believed the person was a child.

Sexual predators trade child pornography online and use computers to solicit sexual performances by children and lure them into sexual liaisons. Many pedophiles use chatting and email to coordinate traveling to meet child victims. File sharing, peer-to-peer networks, and malware contribute to 99 percent of child porn that predators share on the internet. Often there are quantities of CDs near the computer of an online sexual offender.

Prohibited computer transmissions of sexual acts live over a computer online service, internet service, or local bulletin board service are also lewd or lascivious exhibition, if the offender knows, should know, or has reason to believe that a victim in Florida who is less than 16 years of age views the transmission on a computer or television monitor. The fact that an undercover operative or law enforcement officer was involved in the detection and investigation of this incident is not a defense to a prosecution under this section.

You may be responsible for securing the scene, notifying the appropriate department within your agency to handle evidence collection, and completing the initial report.

Sexual Battery of a Child

Sexual battery is a felony, which varies in degree depending upon the age of the victim, the mental and physical capacity of the victim, the type of force used, the threat or use of a deadly weapon, and the type of injuries received. Any sexual battery on a child is considered child abuse if the suspect is a person who has familial or custodial authority. This includes sexual battery upon a child between the ages of 12 years but less than 18 years. Child abuse also is any solicitation of a child less than 18 years of age to engage in an act that constitutes sexual battery by a person in a familial or custodial authority.

Sexual battery occurs when the suspect commits an act upon and/or with the victim, in which the sexual organ of the suspect or victim penetrated or had union with the anus, vagina, and/or mouth of the victim and/or suspect. Alternatively, the suspect commits an act upon the victim in which an object penetrates the anus or vagina of the victim.

According to s. 794.011(2), F.S., the following crimes, taught under sexual offenses, are not child abuse unless a person in a familial or custodial authority commits one of the crimes:

- sexual battery, victim less than 12 years of age
- sexual battery, person 12 years of age or older
- sexual battery, victim 12 years of age or older, great force
- sexual battery, victim 12 years of age or older, specified circumstances
- unlawful sexual activity with certain minors
- committing unnatural and lascivious act
- exposure of sexual organs in a vulgar or indecent manner

Collaborative Investigation

You may become aware of suspected child abuse or neglect during the course of a separate investigation, by direct contact with a person in the community or through dispatch. If you are conducting an investigation of child abuse prior to DCF notification, contact the abuse hotline at 1-800-96-ABUSE or 1-866-LE-ABUSE (law enforcement only) to mobilize additional resources.

The majority of the time, your response will be to meet with or escort an investigator from the Department of Children and Families (DCF) to the scene for this type of investigation. Due to the nature of the DCF investigation, you should be able to use much of the information from the DCF investigator in a criminal investigation to prove the elements of child abuse, neglect, or abandonment. Information may include sworn statements from a physician indicating that the victim has suffered child abuse, transcripts of interviews with the child victim conducted by qualified personnel, and the family history including previous neglect or abuse complaints.

The DCF investigator will conduct a social services investigation. A social services investigation is separate from a criminal investigation. The DCF can conduct its investigation with or without a criminal investigation. Your job will be to conduct a criminal investigation if warranted. Due to the hostile nature of these types of calls, the unarmed DCF investigator is at risk for physical violence. One of your primary responsibilities is to provide security while the DCF investigator conducts his or her social services investigation.

Initial Response

Investigating child abuse can be a very difficult task for a law enforcement officer. You must overcome many barriers, such as defensive parents who are afraid that you will remove their child from home and children who fear their parents or other children. Your feelings about child abuse and child discipline can interfere with your judgment during a child abuse incident, but you should maintain a professional, fair, and impartial attitude while conducting a child abuse investigation.

If you attempt to verify the child's safety and the parent or guardian refuses access to the child, determine if the child is in immediate danger. If the child is in immediate danger, contact your supervisor and determine the best method for removing the child.

Ideally, the DCF investigator will determine when and where to place the child in protective custody. The law authorizes DCF investigators to remove children from a caretaker's custody and control without a custody order. If this occurs, help the investigator lawfully execute his or her duties, ensuring the personal safety of all involved.

If the child is not in immediate danger, determine the relationship between the suspect and victim to protect the child from further abuse by physically separating the child and the suspect. Make sure the child and the suspect cannot see or hear each other. This prevents the suspect from using eye contact or body language to intimidate or coerce the child.

Be aware of and document information about visible injuries or the lack thereof, the living environment, and the demeanor of involved parties. Identify all parties and their relationships to one another, including parents, caregivers, or guardians, and ask preliminary questions to identify victims, witnesses, and suspects to determine allegations made by the complainant. After a preliminary interview and assessment of the scene, you and the DCF investigator should work collaboratively to determine the best course of action to ensure the child's safety.

Your responsibilities include conducting an initial investigation to determine if a crime has occurred, and if so, which crime. Determine where it happened, and the date and time of the incident. If a crime has or has not occurred, document the incident and take appropriate action. If you cannot establish where the incident occurred, treat the entire area as a crime scene. If appropriate, secure the scene to avoid destruction of or tampering with evidence.

Initial Interviews

Keep in mind that the reporter or complainant of the abuse might have valuable information to aid the investigation. On the other hand, the complainant may have a negative agenda. The reporter or complainant may be a family member, estranged spouse, neighbor, or any other person who encounters the child. Be aware of the possibility of child abuse complaints filed for retaliatory reasons. Due to statutory reporting guidelines, always protect the identity of the reporting person during this type of investigation. If the initial report originated from the abuse hotline, the DCF investigator may not reveal the reporting person to you because of confidentiality laws.

If appropriate, separate the victim of child abuse or neglect from the suspected abuser. This can be traumatic for the child, especially if the abuser is the caregiver. Conduct a thorough interview of the complainant and/or the outcry witness first. The **outcry witness** is the first person the child told about the abuse. Share those statements with the DCF investigator at the appropriate time during the investigation. Interview the primary caregiver and obtain a statement regarding the allegations of child abuse or neglect. This is a preliminary interview to lock in a statement, dismiss any retaliatory accusations, or establish a suspect's identity.

Prior to conducting any interview with a victim of child abuse, contact your supervisor to determine if assistance is required from an investigative unit. Often an investigator or a very experienced patrol officer conducts these types of child interviews. Sometimes a DCF investigator and a law enforcement officer jointly conduct the interview.

There is a statutory limit on the number of interviews that you can conduct with a child victim.

Refer to local agreements or agency policies and procedures for interviewing a child victim. The chief judge in your judicial district has set guidelines and limits on interviewing child abuse or sexual abuse victims who are less than 16 years of age. The limits also apply to persons who are intellectually disabled. The purpose of the limitations is to protect the victim from psychological damage caused by repeated questioning about a traumatic incident.

SECTION VOCABULARY*abandonment**aggravated child abuse**abuse**caregiver**child neglect**deviate sexual intercourse**harm**legal custody**mental injury**newborn infant**outcry witness**performance**physical injury**promote**sadomasochistic abuse**sexual bestiality**sexual conduct**sexual performance**simulated*

Before conducting the child's interview, learn the victim's age. Knowing this helps you prepare for the interview, use age-appropriate language, and word questions so the child understands. Consider what you know about the child's mental capacity. For example, a 10-year-old child with an intellectual disability may understand less than other children of the same age do.

Without conducting an interview, find out from the victim what happened, observe any injuries to the victim or other household members, and immediately determine whether anyone needs medical treatment. There may be victims of domestic violence or other evidence of criminal offenses in the household. Look for signs of physical abuse such as suspicious bruises, welts, burns, fractures, lacerations, and abrasions. If there are pets or animals present, look for signs of animal abuse such as malnourishment, mange, or mistreatment. Often, if there is child abuse in the home, animal abuse is also present.

Document all statements made by the victim, suspect, witnesses, and other children present. Document the exact words in quotation marks, the emotional state, and indicate the approximate time in the report.

Reporting Requirements

Florida Statutes requires all individuals to report to the DCF any suspicion or knowledge of child abuse, neglect, or abandonment by a parent, legal custodian, caregiver, or other person responsible for the child's welfare by calling the Abuse Hotline at 1-800-96-ABUSE or for law enforcement use only, 1-866-LE-ABUSE. These reporters can remain anonymous.

Section 39.202, F.S., outlines that the following individuals are legally required to provide their names when reporting child abuse, abandonment, or neglect:

- physician, osteopathic physician, medical examiner, chiropractic physician, nurse, or hospital personnel engaged in the admission, examination, care, or treatment
- health or mental health professional
- practitioner who relies solely on spiritual means for healing
- school teacher or other school official or personnel
- social worker, day care center worker, or other professional child care, foster care, residential, or institutional worker
- law enforcement officer
- judge

UNIT 1 | CRIMES AGAINST PERSONS

LESSON 4 | Abuse, Neglect, and Exploitation of Elderly Persons And Disabled Adults

LESSON GOAL: At the end of this lesson, you should be able to respond to an incident involving the abuse, neglect, and exploitation of elderly persons and disabled adults and determine the appropriate course of action and charges if necessary.

Florida has a reputation as a retirement state with a large population of elderly people. Though it is somewhat common for elderly people to have certain disabilities related to the aging process, people with disabilities could be any age. Given the limited mobility and assistance needed by people in these special populations, you may have contact that is more frequent with these people. In order to provide services to these groups effectively, become more aware of the special needs of this population to ensure our aging and disabled citizens have the full protection of the law. A basic understanding of the aging process and characteristics of the elderly population will help you relate to Florida's elderly population in a positive and compassionate manner. Appreciating the challenges disabled people face on a daily basis will help you realize their special needs.

Elderly and disabled people tend to be more dependent on others, due to their limitations and needs. This increases their vulnerability to neglect and certain types of crime, such as fraud or exploitation. Given the dependent relationship with their caregivers or others who may victimize them, people in these positions may be more reluctant to report crimes committed against them. Look beyond the surface of a situation to understand the dynamics that may be occurring. Many elderly individuals receive assistance through federal or state programs and live on a limited income, at or near the poverty level. The fear of losing the support or assistance of the people who may very well exploit, neglect, or abuse them may cause elderly people to hesitate reporting crimes committed against them. An elderly person can be embarrassed because of their lack of awareness or authority to be able to avoid these types of situations. Keep this in mind while conducting an initial investigation of crimes against the elderly or disabled.

Definitions

Chapter 825, F.S., outlines the elements of abuse, neglect, and exploitation of elderly persons and disabled adults to include the following definitions:

Abuse of a disabled adult or elderly person is any willful or threatened act by a caregiver that significantly impairs or is likely to impair a vulnerable adult's physical, mental, or emotional health.

OBJECTIVES

LE154.1. Assess for signs of disabled adult and elder abuse, neglect, and exploitation when conducting an initial investigation.

LE154.2. Communicate with the Department of Children and Families investigator when considering the safety of the victim and whether the removal of the adult should be immediate or delayed.

LE154.3. Differentiate the role of the officer and the Department of Children and Families investigator in response to a disabled adult and elder abuse, neglect, and exploitation situation.

LE154.4. Determine if the victim is in imminent danger of abuse, neglect, or exploitation prior to removing the adult from the home.

LE154.5. Develop a plan of action to remove the threat to the disabled adult or elderly person immediately based upon the circumstances of the abuse or neglect.

LE154.6. Interview the primary caregiver when conducting an initial investigation of disabled adult and elder abuse, neglect, and exploitation.

LE154.7. Determine if the facts and circumstances of the incident meet the statutory elements required when making an arrest for a disabled adult and elder abuse, neglect, and exploitation.

LE154.8. Document incidents of disabled adult and elder abuse, neglect, and exploitation according to the Florida Statutes.

A caregiver is a person entrusted with or who has assumed responsibility for the care or the property of a disabled adult or elderly person. This includes, but is not limited to, relatives, court-appointed or voluntary guardians, adult household members, neighbors, health care providers, and employees and volunteers of facilities.

A **disabled adult** is a person 18 years of age or older who suffers from a condition of physical or mental incapacitation due to a developmental disability, organic brain damage or mental illness, or who has one or more physical or mental limitations that restrict the person's ability to perform the normal activities of daily living.

An elderly person is a person 60 years of age or older who is suffering from the infirmities of aging as showed by advanced age or organic brain damage, or other physical, mental, sensory, or emotional dysfunction, to the extent the ability of the person to provide adequately for the person's own care or protection is impaired.

A **vulnerable adult** is a person 18 years of age or older whose ability to perform the normal activities of daily living or to provide for his or her own care or protection is impaired due to a mental, emotional, sensory, long-term physical, or developmental disability or dysfunction, brain damage, or the infirmities of aging.

Exploitation of a disabled adult or elderly person occurs when someone knowingly, by deception or intimidation, obtains or uses a disabled adult's or elderly person's funds, assets or property. The suspect's intent must be to deprive the person of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the disabled adult or elderly person temporarily or permanently.

Lacks capacity to consent occurs when an elderly person or disabled adult lacks sufficient understanding or capacity to make or communicate reasonable decisions concerning his or her person or property. This impairment may occur because of mental illness, developmental disability, organic brain disorder, physical illness or disability, chronic use of drugs, chronic intoxication, short-term memory loss, or other causes.

Care, supervision, and services necessary to maintain the elderly person's or disabled adult's physical and mental health include, but are not limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of the elderly person or disabled adult.

Facility is any location providing day or residential care or treatment for elderly persons or disabled adults. The term "facility" may include, but is not limited to, any hospital, training center, state institution, nursing home, assisted living facility, adult family-care home, adult day care center, group home, mental health treatment center, or continuing care community.

Abuse

When establishing probable cause for abuse of a disabled adult or elderly person, document that at the time, the victim was an elderly person or a disabled adult and the suspect knowingly or willfully:

- inflicted physical or psychological injury upon the victim,
- committed an intentional act that could reasonably be expected to result in physical or psychological injury to the victim, or
- actively encouraged another person to commit an act that resulted in or could reasonably have been expected to result in physical or psychological injury to the victim.

Aggravated Abuse

To establish probable cause for aggravated abuse of an elderly person or disabled adult, document that at the time, the victim was an elderly person or a disabled adult and that the suspect did at least one of the following:

- committed aggravated battery upon the victim
- willfully tortured the victim
- maliciously punished the victim
- willfully and unlawfully caged the victim
- knowingly or willfully abused the victim and in so doing caused great bodily harm, permanent disability, or permanent disfigurement

Neglect

To establish probable cause for neglect of an elderly person or a disabled adult, document that at the time, the victim was an elderly person or a disabled adult. The suspect was a caregiver for the victim and the suspect willfully or by culpable negligence failed or omitted to provide the victim with the care, supervision, and services necessary to maintain the victim's physical or mental health, or failed to make a reasonable effort to protect the victim from abuse, neglect, or exploitation by another person.

Exploitation

When establishing probable cause for exploitation of a disabled adult or elderly person, document that the victim was an elderly person or a disabled adult, and the suspect knowingly used deception or intimidation to obtain, use, or endeavor to obtain or use the victim's funds, assets, or property. The suspect did so with the intent to deprive the victim temporarily or permanently of the use, benefit, or possession of his or her funds, assets, or property to benefit someone other than the victim. The suspect stood in a position of trust and confidence and had a business relationship with the victim at the time.

or

The suspect knowingly used deception or intimidation to obtain, use, or attempt to obtain or use, the victim's funds, assets, or property, and did so with the intent to deprive the victim temporarily or permanently of the use, benefit, or possession of his or her funds, assets, or property to benefit someone other than the victim. In addition, the suspect knew or reasonably should have known the victim did not have the capacity to consent at the time.

or

The suspect was the victim's guardian or agent under a power of attorney and breached a fiduciary duty to the victim. As a result, there was an unauthorized appropriation, sale, or transfer of the victim's property.

Collaborative Investigation

You will often respond to incidents involving Florida's disabled or elderly citizens, a group that has become one of the largest populations in this state. Many disabled adults and elderly people in this state are in need of services that protect them from abuse, neglect, and exploitation. You may become aware of suspected abuse or neglect of a disabled adult or elderly person during the course of a separate investigation, by direct contact with a person in the community, or through dispatch. If you are conducting an investigation of abuse or neglect of a disabled adult or elderly person prior to DCF notification, contact the Abuse Hotline at 1-800-96-ABUSE or for law enforcement use only, 1-866-LE-ABUSE, for additional resources.

The majority of the time, your response will be to meet with or escort an investigator from the Department of Children and Families (DCF) to the scene for this type of investigation.

Due to the nature of the DCF investigation, you will be able to use much of the information from the DCF investigator in a criminal investigation to prove the elements of abuse, neglect, or exploitation of an elderly person or a disabled adult. Information may include sworn statements from a physician indicating the victim has suffered abuse, transcripts of interviews with the victim conducted by qualified personnel, and the family history including previous neglect or abuse complaints.

The DCF investigator will conduct a social services investigation. The DCF investigation of abuse, neglect, and exploitation of an elderly person or disabled adult is separate from a criminal investigation. DCF can conduct its investigation with or without a criminal investigation. Your job will be to conduct a criminal investigation, if necessary.

Due to the hostile nature of these types of calls, the unarmed, civilian DCF investigator is at risk for physical violence.

Your primary responsibility is to provide security while the DCF investigator conducts his or her social services investigation.

Initial Response

Ask to see and speak with the disabled adult or elderly person. Signs of abuse or exploitation may not be obvious. The disabled adult or elderly person's surroundings might be hygienic, but the caregiver might not let the person leave the room. You may observe varying levels of neglect that may be recent or long-standing. When evaluating neglect situations, it is important to reserve judgment about people's lives and lifestyle choices. Impoverished families often lack amenities and necessities. Hygiene and cleanliness standards also vary. However, you may have cause for concern when the caregiver withholds needed care or items from a disabled adult or elderly person.

Notice how the victim reacts to your presence and respond accordingly. Loud or argumentative reactions can signal impending violence. Crying or laughing may express the victim's relief that you have finally arrived.

Quiet or regressive behavior may indicate suffering. Take extra time to be sensitive to the victim's needs; observe carefully, speak simply, and have patience. Abused or neglected disabled adults or elderly persons have some, all, or none of the following normal or trauma reactions:

- embarrassment they allowed the victimization
- fear that abuse may escalate
- irrational anger
- confusion
- denial

If the victim has serious life-threatening injuries, begin first aid treatment. When you respond to an incident involving any kind of abuse or exploitation of a disabled adult or elderly person, be prepared to take action to protect the victim. If the person is in immediate danger, contact your supervisor and determine the best method for removing the victim.

The DCF investigator will determine when and where to place the person in protective custody. The law authorizes DCF investigators to remove a person from a caretaker's custody and control without a custody order. If this occurs, help the investigator lawfully execute his or her duties, ensuring the personal safety of all involved.

If the person is not in immediate danger, determine the relationship between the suspect and victim to protect the person from further abuse by physically separating the victim and the suspect. Make sure the victim and the suspect cannot see or hear each other. This prevents the suspect from using eye contact or body language to intimidate or coerce the victim.

View the living conditions of the disabled adult or elderly person after asking to see the living area, bedroom, or sleeping area, and by observing the person's hygiene. Photograph the victim and his or her living area to further document the scene.

Does it appear that someone is taking care of the individual? How does the person smell? Is the smell of urine or feces on the person or in the room? Is there a smell of rotting food? Is there an appropriate amount of food in the kitchen and refrigerator? Try to determine if the disabled adult or elderly person has special needs that are unmet. Ask what prescriptions the individual takes or look around the house to find prescription bottles. The person may wear a medical alert bracelet or necklace or have a membership card for a support group, which are useful tools in determining a person's medical or mental state. If the disabled adult or elderly person takes medication, try to determine if that medicine affects comprehension through asking a series of questions and evaluating the answers to determine their level of awareness.

Be aware of and document information about visible injuries or the lack thereof, and the way the involved parties act. Identify all parties and their relationships to one another, including caregivers, or guardians, and ask preliminary questions to identify victims, witnesses, and suspects to determine allegations made by the complainant. After a preliminary interview and assessment of the scene, you and the DCF investigator should work together to determine the best course of action to ensure the victim's safety.

Your responsibilities include conducting an initial investigation to determine if a crime has occurred, and if so, which crime. If a crime has or has not occurred, document the incident and take appropriate action. If you cannot establish where the incident occurred, treat the entire area as a crime scene. If appropriate, secure the scene to avoid destruction of or tampering with evidence.

Initial Interviews

Keep in mind that the reporter or complainant of the abuse might have valuable information to aid the investigation. On the other hand, the complainant may have a negative agenda, such as retaliatory actions. The reporter or complainant may be a family member, caregiver, neighbor, a DCF investigator, medical worker, or any other person who encounters the adult. Due to statutory reporting guidelines, always protect the identity of the reporting person during this type of investigation.

Conduct a thorough interview of the complainant and/or the outcry witness first. Share those statements with the DCF investigator at the appropriate time during the investigation. Interview the primary caregiver and obtain a statement regarding the allegations. This is a preliminary interview to lock in a statement, dismiss any retaliatory accusations, or establish a suspect identity. Caregivers are often family members and can be the suspect in an abuse, neglect, or exploitation investigation. During the caregiver interview, be aware of common reasons why abuse, neglect, or exploitation might occur. The caregiver may have become increasingly frustrated as the disabled adult or elderly person becomes more financially, emotionally, or physically dependent. These increased frustrations can lead to abuse. Sometimes a caregiver has had a lifelong relationship with the individual he or she supports. An abuser may see the relationship as unequal or unfair and resent the disabled adult or elderly person. This is particularly true if the caregiver's expectations of the disabled adult or elderly person's abilities are unrealistic. The caregiver might be diverting the disabled adult or elderly person's pension or Social Security funds for his or her own financial gain. Look for the influence of drugs, alcohol, or mental illness in the caregiver.

Ask the victim what happened, observe any injuries to the victim or other household members, and immediately determine whether anyone needs medical treatment. There may be victims of domestic violence or other evidence of criminal offenses in the household. Look for signs of physical abuse such as suspicious bruises, welts, burns, fractures, lacerations, and abrasions. If there are pets or animals present, look for signs of animal abuse such as malnourishment, mange, or mistreatment. Often if there is abuse in the home, animal abuse is also present. Document any statements made by the victim, suspect, and witnesses.

Reporting Requirements

When you determine the incident shows signs of the crime of abuse, neglect, or exploitation of a disabled adult or elderly person, consider the criminal conduct a public concern, not merely a private family matter. Florida Statutes requires the following individuals to report suspicion or knowledge of disabled adult or elderly person abuse, neglect, or exploitation by a caregiver, legal custodian, or other person responsible for the person's welfare to the DCF by calling the Abuse Hotline at 1-800-96-ABUSE or for law enforcement use only, 1-866-LE-ABUSE.

Section 415.1034, F.S., outlines that the following individuals are legally required to report abuse, neglect, or exploitation of a disabled adult or elderly person:

- physician, osteopathic physician, medical examiner, chiropractic physician, nurse, paramedic, emergency medical technician, or hospital personnel engaged in admission, examination, care, or treatment
- health professional or mental health professional
- practitioner who relies solely on spiritual means for healing
- nursing home staff, assisted living facility staff, adult day care center staff, adult family-care home staff, social worker, or other professional adult care, residential, or institutional staff
- state, county, or municipal criminal justice employee or law enforcement officer
- employee of the Department of Business and Professional Regulation conducting inspections of public lodging establishments
- Florida advocacy council member or long-term care ombudsman or council member
- bank, savings and loan, or credit union officer, trustee, or employee

SECTION VOCABULARY

*abuse of a disabled adult
or elderly person*

*exploitation of a disabled adult
or elderly person*

disabled adult

care, supervision, and services

facility

lacks capacity to consent

vulnerable adult

UNIT 1 | CRIMES AGAINST PERSONS

LESSON 5 | Interference With Custody, Luring or Enticing of a Child, False Imprisonment, and Kidnapping

OBJECTIVES

- LE155.1.** Prioritize notification of command staff during the initial investigation, based upon the circumstances of the false imprisonment, kidnapping, interference with custody, or luring or enticing of a child incident.
- LE155.2.** Determine any additional resources required during the initial investigation based upon the circumstances of an incident of false imprisonment, kidnapping, interference with custody, or luring or enticing of a child incident.
- LE155.3.** Research the existence of an injunction or child custody court order in an interference with custody incident.
- LE155.4.** Differentiate between interference with custody and luring or enticing a child according to the Florida Statutes.
- LE155.5.** Differentiate between kidnapping and false imprisonment according to the Florida Statutes.
- LE155.6.** Determine if the facts and circumstances of the incident meet the statutory elements required when making an arrest for false imprisonment, kidnapping, interference with custody, or luring or enticing of a child.

LESSON GOAL: At the end of this lesson, you should be able to respond to an incident involving interference with custody, luring or enticing of a child, false imprisonment, and kidnapping and determine the appropriate course of action and charges if necessary.

Given the high profile nature of these types of investigations, it is very important that you determine the validity of the complaint and use all your resources and abilities to determine if the person has apparently been lured, enticed, falsely imprisoned, kidnapped, or is a missing person. Often the incident can be an interference with custody issue, which can be resolved relatively quickly. If you determine the incident poses a threat to the victim's well-being, follow state and agency guidelines for the notification of supervisors, commanding staff, and additional resources including the media. This may involve using multi-agency resources, including the Child Abduction Response Team (CART); canine, air, range, and water support; fire department; the FBI; and/or the FDLE. The location of the incident may dictate available resources and partners available to assist with the investigation. Be aware of potential evidence and investigative leads when investigating missing children cases. There are many investigative leads that can be lost if not appropriately preserved and gathered early on in the investigative process.

Interference with Custody

When investigating an interference with custody, keep an open mind and determine the intent of any suspects allegedly interfering with a parent's custody of their child. It is common for a juvenile to give false information to adults to gain access to a home and stay for a period without the juvenile's parents having knowledge of the situation.

Interference with custody is a felony, yet statute recognizes there are times when an adult may step in to assist a child in need, offering several defenses to mitigate the actions of an adult accused of interfering with custody. Be aware of these modifications during the investigation of interference with custody cases. Section 787.03, F.S., outlines the elements and defenses of interference with custody.

Interference with custody occurs when the suspect, without lawful authority, knowingly or recklessly takes or entices any child less than 18 years of age from the custody of its parent, guardian, or other lawful custodian. Concealing or removing minors from the state with full knowledge of a court order is also interference with custody. The suspect must have knowledge of the court order or receive notice of the pending proceeding.

If the suspect reasonably believed that his or her actions were necessary to prevent the child from being seriously injured or did not have any intent to harm the health, safety, or welfare of the child, the court will consider that belief to be a valid defense. It is unlawful for any person, in violation of a court order, to lead, take, entice, or remove a minor beyond the limits of this state, or to conceal the location of a minor, with personal knowledge of the order.

Occasionally, you may encounter a child custody situation in which one parent has a court order from Florida or another state and the other parent has a conflicting order issued from a different state or even a different country. You may not enforce a court order issued by another state or jurisdiction unless the court domesticates the court order within your jurisdiction. **Domesticated** is the process of the local court recognizing and adopting an out-of-state or county court order to be in effect within the local jurisdiction through a petition process.

The Florida order will not necessarily be the proper and enforceable one. Such cases involve application of the “Uniform Child Custody Jurisdiction and Enforcement Act” and can be legally complex. Do not attempt to determine which order is enforceable, but maintain the status quo—contact a supervisor, and follow agency policies and procedures when dealing with such situations.

Luring or Enticing a Child

There are those in society who target the most innocent of the community, our children, with the intent to harm or exploit them for their own pleasure or gain. The invention of the internet has multiplied the opportunities that such people have to victimize a child while remaining anonymous. With this new level of concealment, a suspect can pose as a peer or known party to the victim, gather current information, and gain the victim’s trust.

Florida Statutes clearly define the elements of luring or enticing a child in s. 787.025. **Luring or enticing a child** occurs when a person intentionally lures or entices, or attempts to lure or entice, a child less than 12 years of age into a structure, dwelling, or conveyance for other than lawful purposes. If the suspect reasonably believed that his or her actions were necessary to prevent the child from being seriously injured or did not have any intent to harm the health, safety, or welfare of the child, the court will consider that belief to be a valid defense.

A dwelling is any kind of temporary or permanent building or conveyance (such as a car); it can be mobile or immobile. When people occupy a dwelling, that means they stay there at night; the dwelling also includes the ground and outbuildings immediately surrounding it.

Any attached porch that has a roof over it is part of the dwelling or conveyance. A structure is any kind of building, either temporary or permanent, that has a roof over it, including the enclosed space of ground and outbuildings immediately surrounding it. A conveyance is any motor vehicle, ship, vessel, railroad car, trailer, aircraft, or sleeping car.

The difference between interference with custody and luring or enticing a child is that luring or enticing requires the suspect to have an unlawful intention for luring or enticing the child to commit other crimes. The suspect in interference with custody may be a noncustodial parent or other adult housing a runaway under the assumption that he or she is assisting a child in need.

SECTION VOCABULARY*false imprisonment**interference with custody**kidnapping**luring or enticing***False Imprisonment**

False imprisonment, as outlined in s. 787.02, F.S., occurs when the suspect forcibly, by threat, or secretly confines, abducts, imprisons, or restrains another person without lawful authority and against his or her will with any purpose other than those referred to in kidnapping.

Kidnapping is the least frequent while false imprisonment is a more common occurrence, often associated with domestic violence, armed robbery, and sexual battery crimes.

To establish probable cause for false imprisonment, document the fact that the suspect had no lawful authority and that the suspect forcibly, secretly, and by threat confined, abducted, imprisoned, and/or restrained the victim against his or her will.

If someone confines a child who is younger than 13 without the consent of the parent or guardian, that confinement is against the child's will.

Kidnapping

Kidnapping occurs when the suspect forcibly, secretly, or by threat confines, abducts, or imprisons another person against his or her will. Kidnapping is both a statutory and federal violation. According to s. 787.01, F.S., to establish probable cause for kidnapping, document that the suspect had no lawful authority and that the suspect forcibly, secretly, by threat confined, abducted, or imprisoned the victim against his or her will. In addition, the suspect acted with intent to do at least one of the following:

- hold for ransom or reward or as a shield or hostage
- commit or help with the commission of a felony
- inflict bodily harm upon or to terrorize the victim or another person
- interfere with the performance of any governmental or political function

In order for the crime to be kidnapping, the confinement, abduction, or imprisonment:

- must not be slight, inconsequential, or merely incidental to the felony;
- must not be of the kind inherent in the nature of the felony; and
- must have some significance independent of the felony in that it makes the felony substantially easier to commit or substantially lessens the risk of detection.

Confinement of a child less than 13 years of age is against his or her will if such confinement is without the consent of his or her parent or legal guardian.

Kidnapping occurs without lawful authority and with intent to hold for ransom or reward, hold as hostage or shield, facilitate commission of a felony, interfere with governmental or political function, or confine a child less than 13 years of age without the consent of the custodial parent.

UNIT 1 | CRIMES AGAINST PERSONS

LESSON 6 | Sexual Offenses

LESSON GOAL: At the end of this lesson, you should be able to respond to an incident involving sexual offenses and determine the appropriate course of action and charges if necessary.

Sexual behaviors by one person or group of people can be offensive to others. This variety of behaviors between consenting adults can include activities that may appear to be illegal and may be in violation of statutes. However, there are behaviors that clearly cross the line of legality. Officers must remain impartial, nonjudgmental, and professional as they perform their duties, especially when responding to these types of incidents.

Voyeurism

Florida Statutes defines voyeurism and penalties in s. 810.14, F.S. When establishing probable cause for voyeurism, document that the suspect secretly observed the victim and committed the alleged act with a lewd, lascivious, indecent intent. The words lewd, lascivious, and indecent mean the same thing, a wicked, lustful, unchaste, licentious, or sensual intent on the part of the person doing the act.

When the suspect was observing the victim or the victim's intimate areas, the victim was in a public or private dwelling, structure, or conveyance in which he or she had a reasonable expectation of privacy. The term intimate area is any portion of a victim's body that he or she covers by clothing, with the intention of protecting the area from public view.

Video Voyeurism

To establish probable cause for video voyeurism, according to s. 810.145, F.S., document whether the suspect:

- intentionally used or installed an imaging device to secretly view, broadcast, or record the victim for his or her own amusement, entertainment, sexual arousal, gratification, profit, or for the purpose of degrading or abusing the victim,
- intentionally permitted the use or installation of an imaging device to secretly view, broadcast, or record the victim for the amusement, entertainment, sexual arousal, gratification, or profit of another or on behalf of another, or
- viewed the body of or the undergarments worn by the victim by using an imaging device.

OBJECTIVES

LE728.1. Determine if the facts and circumstances of the incident meet the statutory elements required when making an arrest for voyeurism.

LE728.2. Determine if the facts and circumstances of the incident meet the statutory elements required when making an arrest for video voyeurism.

LE728.3. Determine if the facts and circumstances of the incident meet the statutory elements required when making an arrest for a lewd, lascivious, or indecent act.

LE728.4. Determine if the facts and circumstances of the incident meet the statutory elements required when making an arrest for a sexual battery.

LE728.5. Determine the need to arrange for or provide transportation of the victim of a sexual offense to an appropriate medical facility according to the Florida Statutes.

LE728.6. Initiate the victim advocate process when conducting an initial investigation for a sexual offense incident according to the Florida Statutes.

LE728.7. Recognize the unique types of possible evidence and the importance of preserving it appropriately during the initial investigation of a sexual offense.

LE728.8. Use specific interview techniques appropriate to the alleged victim during the initial investigation of a sexual offense incident.

LE728.9. Determine the need for additional resources specific to a sexual offense.

LE728.10. Ask medical personnel to provide information specific to the sexual offense based on the circumstances of the incident during the initial investigation.

LE728.11. Document incidents of sexual offense to include a victim review according to the Florida Statutes.

LE728.12. Define the term juvenile sex offender, according to the Florida Statutes, when determining the suspect of a sexual offense.

To establish probable cause for video voyeurism dissemination, document whether the suspect:

- intentionally used or installed an imaging device to secretly view, broadcast, or record the victim for his or her own amusement, entertainment, sexual arousal, gratification, for profit, or for the purpose of degrading or abusing the victim, or
- intentionally permitted the use or installation of an imaging device to secretly view, broadcast, or record the victim for the amusement, entertainment, sexual arousal, gratification, or profit of another or on behalf of another, or
- use of the imaging device was for the purpose of viewing the body of or the undergarments worn by the victim.

The suspect viewed, broadcast, or recorded the victim at a time when the victim was dressing, undressing, or privately exposing his or her body. At the place and time when the suspect viewed, broadcast, or recorded the victim, the victim had a reasonable expectation of privacy. The viewing, broadcast, or recording of the victim was without the knowledge and consent of the victim.

Broadcast is electronically transmitting a visual image with the intent that another person views it. An **imaging device** is any mechanical, digital, electronic viewing device; still camera, camcorder, or motion picture camera; or any other instrument, equipment, or format capable of recording, storing, or transmitting visual images of another person. A place and time when a person has a reasonable expectation of privacy is a statutory reference to when a reasonable person would believe that he or she could fully disrobe in privacy, without being concerned their undressing was being viewed, recorded, or broadcasted by another. This includes, but is not limited to the interior of a bathroom, changing room, fitting room, dressing room, or tanning booth. Privately exposing the body occurs when a person exposes a sexual organ.

Lewd or Lascivious

Florida Statutes define the elements of lewd or lascivious offences to include battery, molestation, conduct and exhibition in chapter 800, F.S. To establish probable cause for lewd or lascivious behavior, indecent assault or act upon or in the presence of a child, or sexual battery, document that the victim was less than the age of 16 years and the suspect did any of the following acts:

- made an assault and/or battery upon the victim in a lewd, lascivious, or indecent manner, or handled or fondled the victim in a lewd, lascivious, or indecent manner
- committed upon the victim, forced, or enticed the victim to commit:
 - actual or simulated sexual intercourse
 - deviate sexual intercourse
 - sexual bestiality
 - masturbation

- sadomasochistic abuse
 - actual lewd exhibition of the genitals
 - any act or conduct which simulated that sexual battery was being or would be committed on the victim
- committed an act upon or with the victim in which the sexual organ of the suspect or victim penetrated or had union with the anus, vagina, or mouth of the victim or suspect
 - committed an act upon the victim in which the anus or vagina of the victim was penetrated by an object
 - knowingly committed a lewd or lascivious act in the presence of the victim

Neither the victim's sexual history nor the victim's consent are defenses to the crime charged.

According to s. 825.1025, F.S., to establish probable cause for lewd, lascivious, indecent assault in the presence of or upon an elderly adult or disabled person, document that the victim was an elderly or disabled person. The suspect knew or reasonably should have known the victim lacked the capacity to consent or failed to give consent and the suspect performed or enticed the victim to perform any of the acts in the list above.

In the presence of means the victim saw, heard, or otherwise sensed the act was taking place.

Lewd or lascivious battery involves engaging in sexual activity with a person 12 years of age or older but less than 16 years of age; or encouraging, forcing, or enticing any person less than 16 years of age to engage in sadomasochistic abuse, sexual bestiality, prostitution, or any other act involving sexual activity.

Lewd or lascivious molestation occurs when a person intentionally touches in a lewd or lascivious manner the breasts, genitals, genital area, or buttocks, or the clothing covering them, of a person less than 16 years of age, or forces or entices a person less than 16 years of age to touch the offender so.

Lewd or lascivious conduct occurs when a person intentionally touches a person less than 16 years of age in a lewd or lascivious manner, or solicits a person less than 16 years of age to commit a lewd or lascivious act.

Lewd or lascivious exhibition occurs when a person intentionally masturbates, exposes the genitals in a lewd or lascivious manner, or commits any other sexual act that does not involve actual physical or sexual contact with the victim. This includes, but is not limited to, sadomasochistic abuse, sexual bestiality, or the simulation of any act involving sexual activity in the presence of a victim who is less than 16 years of age. Doing any of these acts live over a computer online service, internet service, or local bulletin board service is also lewd or lascivious exhibition, if the offender knows or should know or has reason to believe the transmission is viewed on a computer or television monitor by a victim in Florida who is less than 16 years of age.

The fact that an undercover operative or law enforcement officer was involved in the detection and investigation is not a defense to a prosecution under this section.

Sexting occurs when a minor who uses a computer or any electronic device, such as cell phones, to transmit or distribute a nude photograph or video to another minor regardless of whether the minors consented to the act. Section 847.0141, F.S., outlines the elements of a minor committing the offense of sexting.

Sexual Battery

Chapter 794, F.S., defines the elements of sexual battery to include rules of evidence, and notice of victim's rights and access to services.

To establish probable cause for sexual battery upon a person 12 years of age or older, document that the victim was 12 years of age or older, and the act was committed without the consent of the victim. The suspect committed an act upon or with the victim in which the sexual organ of the suspect or victim penetrated or had union with the anus or vagina of the victim or suspect, or the suspect committed an act with an object that penetrated the anus or vagina of the victim.

Consent means intelligent, knowing, and voluntary consent and does not include coerced submission. Consent does not mean the failure by the alleged victim to offer physical resistance to the offender. Evidence of the victim's mental incapacity or defect, if any, may be considered in determining whether there was an intelligent, knowing, and voluntary consent. **Mentally incapacitated** means that a person is temporarily incapable of appraising or controlling his or her conduct due to the influence of a narcotic, anesthetic, or intoxicating substance administered to that person without his or her consent, or due to any other act committed upon that person without his or her consent. **Mentally defective** describes a person suffering from a mental disease or defect that renders that person temporarily or permanently incapable of appraising the nature of his or her conduct. **Union** means contact.

However, any act done for bona fide medical purposes is not a sexual battery.

Sexual battery enhanced penalties include:

- sexual battery upon a person 12 years of age or older, with great force
- sexual battery upon a person 12 years of age or older, with specified circumstances
- sexual battery, victim less than 12 years of age
- unlawful sexual activity with certain minors
- committing unnatural and lascivious act
- exposure of sexual organs in a vulgar or indecent manner

To establish probable cause for incest, document that the victim was the son or daughter of the suspect. The suspect married the victim or had sexual intercourse with the victim. At the time of the marriage or sexual intercourse, the suspect knew the victim was his or her son or daughter, brother, sister, uncle, aunt, niece, or nephew. **Sexual intercourse** is the penetration of the female sex organ by the male sex organ. Ejaculation is not necessary.

Initial Response

Historically, sexual battery is one of the most underreported crimes because the victim may be embarrassed or may actually have a continuing relationship with the assailant. A victim may feel that law enforcement may not be able to apprehend the suspect or be afraid the assailant will take revenge. Sexual battery victims also fear further victimization during the investigation and in subsequent courtroom proceedings.

Your attitude during a sexual battery investigation can assist the investigation by being humane, empathetic, patient, sensitive, letting the victim feel he or she is in control, and reassuring the victim that you are there to help and develop facts for legal purposes.

When responding to a sexual battery case, obtain medical treatment for the victim immediately, if needed, with the victim's consent. Section 794.052, F.S., requires that you provide or arrange for transportation of victims of sexual battery to an appropriate medical facility or rape crisis center. Transport the victim of a sexual battery in a timely manner and directly to the service provider.

The Sexual Battery Victims' Access to Services Act, as outlined in s. 794.055, F.S., provides victims of sexual battery access to crisis-intervention and recovery services, advocacy, and medical intervention. There are special considerations for initiating a medical examination for a juvenile victim of sexual battery. Only medical personnel may perform a physical and sexual battery examination, which may later provide evidence and information to further the investigation. Agency policies and procedures should be followed when arranging for a sexual battery exam, collecting clothing, and notifying a sex crimes investigator. Keep in mind that medical personnel's priority is to provide medical treatment to the victim, not collect evidence. This is also a good time for you to contact and coordinate with a victim advocate to calm the victim and encourage the victim to cooperate with the process. Advise the victim that he or she might contact a certified rape crisis center to receive services.

In a sexual battery, consider the existence of at least two crime scenes; one is the body of the victim and the other is the location(s) of the sexual battery. Many times the officer fails to consider the body and the clothes of the victim contain valuable evidence. Discourage the victim from using the restroom, showering, or discarding any clothing or feminine products on their person during or after the sexual battery. After determining and locating the crime scene(s), secure the scene(s). The victim has suffered significant trauma, may be distraught, and not thinking clearly. It is important that you counsel the victim on the significance of collecting and maintaining evidence, even if the victim is uncertain if they want to prosecute at the time of the initial investigation. Be aware that you might need to maintain security around a location, obtain a search warrant, and further the investigation.

Initial Interviews

Get preliminary information from any witnesses, if appropriate, and then interview the victim privately, with a victim advocate if possible. Ask the victim the following questions during the interview:

- Exactly what happened?
- When did the sexual battery occur?
- Where did the sexual battery occur?
- Were there any witnesses present?
- Do you know the suspect?
- What did the suspect say?
- What did the suspect look like? (physical and clothing description)
- Did the suspect display a weapon?
- Is any property missing?

- Have you used the restroom or showered since the attack?
- Have you changed clothing since the attack? If yes, where are those clothes?

DO NOT ask the victim accusatory questions that insinuate willingness or blame on the victim's part. Do not ask inappropriate questions related to the victim's prior sexual experiences, whether the victim climaxed, the size of the suspect's penis, what the victim did to bring on the assault, whether the victim will take a polygraph, or whether or not the victim enjoyed the assault.

If you determine the offender is a family member or custodian of a child victim, immediately contact the DCF, as this is child abuse. Community policing can provide awareness of the presence of possible sexual offenders and predators in the victim or patrol neighborhood. When searching for a suspect of child sexual assault, look for the presence of child erotica, pornography, or videos, or the presence of children's toys or child computer games when there are no children residing in the home of a sexual offender or predator. Initiate a BOLO if suspect information is available and the suspect is not already in custody.

Reporting Requirements

Documenting sexual battery includes a forensic report and medical report, as well as a criminal report. The FDLE crime lab will provide a report from the forensic exam kit (rape kit). Qualified medical personnel should provide the medical report to law enforcement. Your report should include a sequential order of what occurred, your involvement, and maintaining chain of custody of the evidence, which includes the victim's body. Document the victim's condition to include any torn or stained clothing, smeared makeup, disarrayed hair, bruises, scratches, and defense wounds, as well as the victim's emotional state.

Prior to submitting a final report, permit the victim to review the final report, and provide a statement as to the accuracy of the final report. Statute protects the identity of a victim of sexual battery and exempts the victim from Florida public records law. You are required by s. 794.052, F.S., to present the victim of a sexual offense with a "Victim's Rights Brochure" and a "Sexual Battery—Victim's Rights and Services" brochure from the Florida Council Against Sexual Violence.

Sexual Offenses Committed by Juveniles

Section 985.475, F.S. defines the criteria for juvenile sexual offender. A juvenile sexual offender is a child 12 years of age or younger who is alleged to have committed a violation of sexual battery, prostitution, lewdness, indecent exposure, abuse of a child, obscenity, or any violation of law or delinquent act involving juvenile sexual abuse.

Any person who knows or has reasonable cause to suspect that a child is the victim of a known or suspected juvenile sexual offender should contact the Abuse Hotline at 1-800-96-ABUSE or for law enforcement use only, 1-866-LE-ABUSE.

Juvenile sexual abuse is any sexual behavior that occurs without consent, without equality, or because of coercion. **Coercion** is the exploitation of authority or the use of bribes, threats of force, or intimidation to gain cooperation or compliance. **Equality** exists when two participants operate with the same level of power in a relationship, no control, or coercion by either party.

Juvenile sexual offender behavior ranges from non-contact sexual behavior to varying degrees of direct sexual contact. Non-contact behavior can include making obscene phone calls, exhibitionism, voyeurism, and the showing or taking of lewd photographs.

Direct sexual contact can include frottage (the obtaining of sexual pleasure by rubbing the clothed body against that of others, usually strangers in crowded places), fondling, digital penetration, rape, fellatio, sodomy, to various other sexually aggressive acts.

SECTION VOCABULARY

broadcast

coercion

equality

imaging device

in the presence of

lewd or lascivious battery

lewd or lascivious conduct

lewd or lascivious exhibition

lewd or lascivious molestation

mentally defective

mentally incapacitated

sexting

sexual intercourse

union

UNIT 1 | CRIMES AGAINST PERSONS

LESSON 7 | Human Trafficking

OBJECTIVES

- LE601.1.** Recognize a victim of domestic minor sex trafficking when conducting an initial investigation of a possible human trafficking situation.
- LE601.2.** Differentiate between human trafficking and smuggling according to the Florida Statutes.
- LE601.3.** Recognize the nature and scope of the human trafficking problem within Florida and the United States.
- LE601.4.** Apply the typology of a human trafficker when conducting an initial investigation of a possible human trafficking situation.
- LE601.5.** Apply the Trafficking Victims Protection Reauthorization Act (TVPRA) when conducting an initial investigation of a possible human trafficking situation.
- LE601.6.** Determine if the facts and circumstances of the incident meet the statutory elements required when making an arrest for human trafficking.
- LE601.7.** Recognize the immigration issues of human trafficking victims when conducting an initial investigation.
- LE601.8.** Recognize the differences between indicators of domestic servitude, labor trafficking, and sex trafficking that can be present in a human trafficking situation.

LESSON GOAL: At the end of this lesson, you should be able to respond to an incident involving human trafficking and determine the appropriate course of action and charges if necessary.

Human trafficking is a multi-billion dollar global problem that is present in the United States, and for the most part, this is a destination country for traffickers. Recent estimates indicate thousands of people are trafficked into the United States annually and there are ongoing human trafficking investigations in almost every state.

Victims are often foreign-born and speak little to no English. They are often very poor, disadvantaged, and vulnerable for a variety of reasons that make them easy prey for traffickers who will kidnap them outright or entice them with false promises of a better life and work. In Florida, domestic minor sex trafficking (DMST) is the single most under-reported, under-identified, and severe form of trafficking. Traffickers use promises of love, money, and glamour to lure children into various forms of exploitation. Exploitation can be prostitution, working at strip clubs, child pornography, escort services, and working at massage parlors. This occurs at rest stops, migrant farms, construction sites, bars, restaurants, hotels, private homes, sweatshops, the back seats of taxis, or anywhere that will accommodate a child and adult. Popular online classifieds and forums, and some social networking sites, advertise trafficked children for sex.

Two threshold questions will help determine if a person is a victim of human trafficking. First, did the suspect recruit, transport, or hold the victim in the service of another for labor or commercial sex acts? Commercial sexual activity includes prostitution, or an attempt to commit any such offense, sexually explicit performances, and the production of pornography. Second, did the suspect obtain or maintain the victim's service through force, threats, psychological manipulation, or confiscation of legal documents?

Smuggling and Trafficking

The difference between smuggling and human trafficking is that **trafficking** is an offense against a person. Section 787.06, F.S., defines human trafficking as transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, or obtaining another person for the purpose of exploitation of that person. Traffickers maintain ongoing control over the victim. Trafficking is often a financially based business that exploits cheap labor. **Smuggling** is an offense against the integrity of the United States borders. Section 787.07, F.S., defines a human smuggler as someone who transports into this state an individual he or she knows is illegally entering the United States from another country. It is transportation based, whereas trafficking is exploitation based.

Smuggling is typically a short-term “business relationship” and may be a part of a human trafficking scheme whereas trafficking is a long-term, ongoing captivity and subjugation of victims.

To establish probable cause for human smuggling, document that the suspect transported into this state an individual who the suspect knows, or should know, is illegally entering the United States from another country. Human smuggling is a crime against the sovereignty of the United States. It is not a crime against a person. Some instances of human smuggling can lead to human trafficking, while others do not. It is possible to have one without the other.

To establish probable cause for human trafficking, document that the suspect knowingly, or in reckless disregard of the facts, engages in, or attempts to engage in, or benefits financially by receiving anything of value from participation in a venture that has subjected a person to human trafficking. The victim can be an unauthorized alien, a foreign national in the United States on a valid visa, or a United States citizen. The suspect uses coercion for labor, services, or commercial sexual activity. For sex trafficking that involves a child less than 18 years of age, you do not need to prove the suspect knew the person was under 18 years of age. The same holds true for a child less than 15 years of age; however, the offense escalates from a first-degree felony to a life felony.

Despite the term, human trafficking is a crime phenomenon about people held in a condition of compelled service, not about the movement of people. Trafficking victims are people who cannot leave captors without risking punishment or retaliation. The term trafficking comes from the intentional agreements to curtail the international trade in slaves, but movement and trade are not required. Human trafficking is a form of modern day slavery that involves holding people (including minors) in compelled service for commercial sex trade or otherwise legitimate labor. Victims may be from other countries or originate from within our borders. Traffickers use force, fraud, or coercion to control their victims. Human trafficking crimes can involve multiple violations of various other state and federal laws and regulations.

Force is physical violence that may include beatings, sexual battery, shootings, or physical confinement. Fraud includes false or deceptive offers of employment, marriage, or a better life. Coercion involves:

- using or threatening to use physical force against any person (typically family members of the trafficking victim back in their home country)
- restraining, isolating, or confining
- using lending or other credit methods as debt bondage
- destroying, concealing, removing, confiscating, withholding, or possessing immigrant or identification documents
- causing financial harm including extortionate extension of credit, loan sharking, or fraudulent employment contracts

LE601.9. Use specific interview techniques appropriate to the alleged victim of human trafficking.

LE601.10. Gather key information during the initial interview with the alleged victim of human trafficking.

LE601.11. Document a human trafficking situation related to reporting child abuse according to the Florida Statutes.

LE601.12. Recognize the importance of building relationships within the community to detect human trafficking.

- enticing or luring by fraud or deceit
- giving a person a controlled substance so they can be exploited
- using threats of deportation of other United States or Florida legal proceedings against the victim

Scope of the Problem

The United States Department of State estimates that 20 million people are trafficked worldwide annually. Of these, 1.39 million are victims of commercial sexual servitude and 56 percent of all forced labor victims are women and girls. In 2001, investigators opened 54 human trafficking cases and received conviction on 15 cases. In 2011, investigators opened 141 cases and received convictions on 103 cases. Rough estimates hold that 18,000 to 20,000 trafficking victims enter the United States annually. During 2001–2008, 48 percent of prosecuted human trafficking cases occurred in California, Florida, Texas, and New York.

Domestic minor sex trafficking occurs when children who are younger than 18 years of age are induced to perform commercial sexual acts. Victims may be foreign or U.S. citizens and male or female. This crime is often unidentified, under-reported, and is a severe form of commercial sex exploitation. The Ohio Trafficking in Persons Study (2010) states 2,879 children (ages 12–17) identified as at risk; traffickers forced 1078 into the sex trade. According to National Incidence Studies of Missing, Abducted, Runaway, and Throwaway Children, the greatest risk group of children are runaways and throwaways.

According to international watchdog group estimates, slavery holds up to 27 million people worldwide. Human trafficking is a lucrative business, second to drug trafficking, with an estimated \$32–34 billion or more in profits each year and with reputed ties to organized crime. Unlike drugs and arms traffickers, human traffickers can continue to exploit their victims after the initial point of sale.

Human trafficking has the potential to become the business of choice for criminal syndicates around the world. Human trafficking has a global economic base. There is a constant source of hopeful, vulnerable immigrants. The promise of a better life, the “American Dream,” recruits victims into trafficking situations. Economically desperate victims and market demand for cheap labor fuel human trafficking crimes. Brokers rush to provide compliant labor forces, and pimps use brutality to meet the demand for commercial sex.

Boca Raton Filipino Labor Trafficking Case (2010)

Filipino natives Sophia Manuel and her husband Alfonso Baldonado brought over 50 workers from the Philippines. Owners of two employment-leasing companies called “Quality Staffing Services Corporation” and “DAR Workforce Solutions USA,” Manuel and Baldonado, promised the workers free housing and full-time jobs in food service at a Boca Raton country club. Recruiters in the Philippines showed workers pictures of upscale Florida homes, beautifully manicured lawns, and scenes from Disney World. Upon their arrival, a very different world awaited the migrants. They instead found part-time jobs paying \$6.67 an hour, and as many as 30 of them were forced to live in a three bedroom house in Boca Raton. Manuel and Baldonado confiscated workers’ passports and threatened workers with deportation if they complained. Manuel and Baldonado routinely deducted money from the workers’ earnings to cover the costs of uniforms, transportation, and visa renewals. After the weekly wage deductions by Manuel and Baldonado, none of the workers earned a federal minimum wage.

Gainesville Shay Thomsen Sex Trafficking Case (Ongoing, 2012)

The officer pulled over Shay Ward Thomsen for an expired tag. After approaching the car, the officer noticed that Thomsen and the female passenger appeared nervous. Thomsen told the officer he was driving the girl home. The officer questioned the girl, and she eventually told the officer she recently met Thomsen at church where he gave her the idea to begin selling her body for sex. She also stated Thomsen would drive her to locations to have sex with individuals he set up meetings with. The girl said she charged individuals \$50 to \$90 for sexual acts while Thomsen received 15 to 20 percent of the proceeds. Thomsen consented to a search of his car; law enforcement found a cell phone containing a nude picture of the girl, which the girl said she sent to Thomsen by mistake. The officer charged Thomsen with procuring a minor less than 18 years of age for prostitution.

Tallahassee and Clearwater Melchor & Monsalve Sex Trafficking Case (2008)

Two young Guatemalan women knocking frantically on her back window and crying out in Spanish for help startled a woman in an upscale Tallahassee neighborhood. This Good Samaritan neighbor discovered the young women were fleeing a sex trafficker—Colombian national Jorge Melchor—who had held them in a “safe house” in the same neighborhood, since their arrival two days earlier. Each of the preceding evenings, Melchor drove the women to trailers and apartments on the outskirts of Tallahassee where he forced them to engage in multiple sex acts as part of a larger prostitution scheme. Taken to a hospital and then to the Tallahassee police station, the women’s accounts of their ordeal led Florida law enforcement agents to a two-year, multi-jurisdictional investigation that eventually dismantled an international sex trafficking ring.

Miami Paulin Labor Trafficking Case (2008)

Maude Paulin was a Haitian immigrant and a middle school teacher who lived in the south Miami community of Cutler Bay. She came from a successful family in Haiti that had run an orphanage for many years in a mountain village. Paulin’s parents took a young Haitian girl (“Anna”) from her biological mother at the age of five and kept her for seven years at the orphanage run by Paulin’s family. When the young girl reached the age of twelve, Paulin’s mother, Evelyn Theodore, removed the girl from the orphanage and brought her to the family home in Haiti to live and work as a house servant there. In 1999, the family then smuggled Anna into the United States where Paulins kept her as a house slave for another six years in Paulin’s Cutler Bay home.

Palatka Ronald Evans Labor Trafficking Case (2007)

Operating in Florida and North Carolina, Ron Evans recruited homeless U.S. citizens from shelters across the Southeast, including New Orleans, Tampa, and Miami, with promises of good jobs and housing. In Palatka, FL, and Newton Grove, NC, area labor camps, the Evans’ deducted rent, food, crack cocaine, and alcohol from workers’ pay. They held them “perpetually indebted” in what the Department of Justice (DOJ) called “a form of servitude morally and legally reprehensible.” A chain link fence topped with barbed wire, with a No Trespassing sign, surrounded the Palatka labor camp. The Coalition of Immokalee Workers (CIW) and a Miami-based homeless outreach organization (Touching Miami

with Love) began the investigation and reported the case to federal authorities in 2003. In Florida, Ron Evans worked for grower Frank Johns. Johns was 2004 Chairman of the Florida Fruit and Vegetable Association, the powerful lobbying arm of the Florida agricultural industry. As of 2007, he remained the Chairman of the FFVA's Budget and Finance Committee. Ron Evans received a sentence of 30 years in federal prison on drug conspiracy, financial re-structuring, and witness tampering charges, among others. Jequita Evans received a sentence of 20 years, and Ron Evans Jr., 10 years.

Immokalee Tecum Domestic Servitude Case (2001)

Jose Tecum forced a young woman to work against her will both in the tomato fields around Immokalee, and in his home. The CIW assisted the DOJ with the prosecution, including victim and witness assistance. The officer responded to a domestic violence call and found the wife and husband was arguing over the husband having sex with a minor that lived in the home. Upon further investigation, the officer determined that Tecum kidnapped the minor from her home in Guatemala and smuggled her to the United States. Domestic servitude is a difficult type of human trafficking for officers to detect because these victims are rarely in the public eye or community. Jose Tecum received a sentence of nine years in federal prison on slavery and kidnapping charges.

Trafficking Victims

Trafficking victims are often “invisible.” Many are undocumented aliens and fear United States authorities. Traffickers exploit this fear. U.S. citizens can be victims of human trafficking, within the borders of the United States, exploited by criminal organizations, which seek out and prey on vulnerabilities. Victims may be physically isolated, guarded, or held through psychological coercion. Many victims do not speak English and have no idea where they are in the United States.

Victims face tremendous cultural and economic barriers and often do not realize they are victims or they have rights under United States law. Victims can be minors, mentally challenged, or caught in the throes of an addiction. There are many industries where you can find trafficked victims, including:

- prostitution
- exotic dancing
- agricultural work
- domestic work and child care (domestic servitude)
- begging/street peddling
- construction work
- hotel housekeeping
- nail salons
- interstate rest areas and truck stops
- massage parlors
- pornography
- landscape work
- factory work
- restaurant work
- carnival work
- day labor
- social networking websites

Trafficker Typology

Traffickers may or may not be members of the victim’s ethnic or national community. They may be in the United States legally and maintaining close contact with their country of origin. They may be fluent in English as well as their native language and have greater social or political status in their home country.

than their victims. People who traffic humans often also smuggle drugs and guns and are involved in money laundering, extortion, and various other criminal activities. Often traffickers have common characteristics or typology; however, a trafficker may be a single individual smuggling a person into the United States for his or her own servitude.

Traffickers can be liable whether they actually engage in the trafficking act of recruiting, enticing, harboring, transporting, providing, or obtaining a person for commercial sex or they merely benefit financially from knowingly participating in such a venture.

Trafficking Victims Protection Reauthorization Act

The 13th Amendment to the United States Constitution provides that neither slavery nor involuntary servitude shall exist on U.S. soil. Congress passed the Trafficking Victims Protection Reauthorization Act (TVPRA) to update traditional slavery laws and combat trafficking in persons.

The TVPRA is a victim-centered law. It ensures the criminal justice community views trafficking victims as victims of a crime, even if they are living in the United States illegally. The law no longer treats them as aliens, but as victims of a crime with rights. Under federal law, trafficking victims can be U.S. citizens or legal or illegal immigrants. This is a crime about exploitation, not movement, or immigration. Physical force is not a required element; showing psychological coercion suffices. The fact that a person consented to be smuggled into the United States illegally does not preclude him or her from becoming a trafficking victim. The fact that a victim may have initially consented to perform an illegal act (prostitution) is not a defense to the subsequent use of force, fraud, or coercion. Things that a victim hears about other workers suffering are admissible to show a “climate of fear” in which they were held.

Florida Law

Florida law is similar to federal law; however, state law does not provide access to immigrant benefits for non-citizens. Florida law includes sex trafficking offenses in the list of sexual predator qualifying offenses and provides the office of statewide prosecution jurisdiction to bring to trial human trafficking violations. The criminal penalty for human smuggling and associated offenses are felonious crimes.

All Florida human trafficking crimes are Racketeer Influenced and Corrupt Organization (RICO) offenses. Both federal and state human trafficking laws do not require force, fraud, or coercion to determine sex trafficking of persons less than 18 years of age and prohibits procuring persons less than 18 years of age for prostitution.

Immigration Issues

An understanding of specific immigration terms will assist you when encountering a trafficking victim from another country. An **alien** is any person who is not a United States citizen. An **illegal alien** is a foreign national who entered the United States without inspection at a border crossing or airport, with fraudulent documents, or legally as a nonimmigrant, but then violated that status and remained without authority.

The Homeland Security Investigations (HSI) enforces United States laws, including federal immigration laws and regulations. The HSI performs computer forensics examinations and investigates smuggling, trafficking, fraud, money laundering, and narcotics trafficking cases as well as domestic and international criminal

activities occurring on or facilitated by the internet. HSI can determine the true immigration status of victims, witnesses, and offenders and can aid in the detection of travel and identity document fraud.

Conferring legal status on victims takes a humanitarian approach instead of treating the victims like criminals, and it makes the victims available as witnesses. This is because “human trafficking,” by its definition, is about compelled service.

Because a victim of this crime is a slave in the United States, Congress has chosen to protect these crime victims by allowing them to stay in America.

Investigating Human Trafficking

Many factors might suggest the presence of victims of human trafficking; no set combination or minimum number of indicators automatically leads to a human trafficking case. While any one of the items alone is not enough to indicate a trafficking case, it is enough to warrant further investigation. You are in a key position to identify potential human trafficking cases on routine calls for service. These calls can be domestic violence calls, assisting the DCF with a child abuse investigation, disputes and fights, assaults/sexual batteries, concerned citizen calls, anonymous callers on the tips hotline, and petit or retail theft (the suspect may very well be a victim of human trafficking).

Officers often overlook possible evidence of human trafficking crimes during a routine traffic stop or domestic violence call. Being alert to the indicators discussed below can help you rescue trafficking victims. At a minimum, look more closely at a situation you think might involve human trafficking.

Living and working conditions for human trafficking victims are usually atypical. Victims live on or near work premises, reside in overcrowded living spaces, are restricted or have controlled communications, and are forced to move frequently by traffickers. Often there are locks on the outside of windows and doors. Victims may lack personal items or possessions; however, cell phones may be an exception. They often lack individual transportation, knowledge about how to get around in the community, and identification (birth certificates, visa, passport) because someone else has taken possession of them as a form of control.

Be aware of different types of evidence that may be indicative of human trafficking, such as money wire transfers, weapons, poor health of a victim, or fraudulent identification or immigration documents. Personal and physical indicators can include injuries from beatings or weapons, including old injuries, signs of torture (cigarette burns), brands or scarring indicating ownership, and signs of malnourishment. Victims may be afraid to discuss their living or working situations. Victims may state they “owe” someone money for getting them into the United States or have ongoing debt at a “company” store—the only store they are allowed to shop at. Often a third party, or one person, insists on interpreting for an entire group or an individual.

Signs indicating human trafficking in labor camps or sweatshops may include security intended to keep victims confined or self-contained camps with barbed wire angled in, bars on windows, bouncers, guards, and guard dogs, and excessive amounts of garbage. Signs indicating a brothel situation that might involve sex trafficking can include large amounts of cash and condoms, a customer logbook, and a receipt book (trick book). Sparsely furnished rooms may contain only luggage, travel photographs, alcohol, lubricant, paper towels, and tokens (cards, marbles, bobby pins, and condom wrappers). Men come and go frequently, and there are used twin mattresses stacked up outside of the residence.

An additional sign may be a runaway with hotel room keys and/or large amounts of cash. An exploiter (pimp) will often tattoo his or her victims, branding them with the exploiter's name or logo.

A common trend in domestic sexual exploitation is for the trafficker to transport the child far from home, both to avoid immediate detection and to decrease the chances of the child returning home. The child's exploiter may travel with the child to many cities depending on tourist or event traffic in certain areas of the country.

Investigative “Conversation”

Victims may be reluctant to speak to someone wearing a gun, badge, or uniform because his or her culture conditioned a fear of law enforcement. They may exhibit hostility towards the law enforcement officer. Give victims a choice of speaking with a male or female investigator, if possible.

Gain more information through conversations rather than formal interviews. If you attempt to conduct a “police interview” or conduct a “checklist interview,” the victims may be reluctant to speak openly and candidly, and you will not make any progress. This is a good time for you to draw on your skills and agency expertise in interviewing victims of sexual abuse, as the interviewing techniques are similar. Separate the victim from his or her suspected trafficker prior to questioning, and convey a sense of safety, bringing the victim to an area of safety, away from the location where you encountered the victim. Avoid placing the victim in the patrol car, if possible.

A trusted interpreter can make the difference between discovering a trafficking case and rescuing victims, or someone misguiding you. Considerations when using an interpreter include his or her availability and whether the interpreter can be trusted. Be aware of possible traps such as on-scene interpreters affiliated with traffickers or prior relationships between the victim and the interpreter.

Look at the victim while talking and avoid looking at the interpreter. Rapport is possible, even through an interpreter. The conversation should begin with the following questions:

- What is your name?
- How old are you?
- Do you have any identification and travel documents? If not, who has your documents?
- Did someone coach you on what to say to us?
- Did someone recruit you for one purpose and force you to engage in some other job?
- Is someone taking part of your earned money to pay off a smuggling fee?
- Does someone force you to perform sexual acts?
- Is someone paying you for sex?
- Do you have freedom of movement?
- Is someone threatening you or your family with harm if you attempt to escape?
- Can you freely contact your friends or family?
- Is someone threatening you with deportation or law enforcement action?

Avoid using the term “immigration status” when talking with the victim. Obtain any identification and immigration documents later in the interview, in a low-key manner, without making the victim feel as though you are investigating him or her as a suspect.

After “scratching the surface,” you may determine that you are facing a human trafficking incident. At this point, you will have to consider many things. It is critical that you weigh your options. Use questions to think through this complex problem, including:

- Is the victim you have identified in immediate danger?
- What are the ages of the potential victims?
- Are there still workers at the job site or brothel?
- Will an immediate rescue prevent the chance of rescuing others later?
- What resources will you need to rescue the victim?

Victim-Centered Approach to Human Trafficking

Once you have identified a victim, create a plan that includes keeping the victim out of harm’s way. Victims have a variety of needs, and it takes many different agencies to provide the services or resources needed to assist them and investigate and prosecute the case. Agencies involved in combating human trafficking include law enforcement agencies, prosecution offices, victim services organizations and charities, non-governmental organizations (NGOs), and legal services organizations.

In human trafficking incidents, the victim has a much greater role in the investigation. There are unique issues surrounding human trafficking victims that differ from other crime victims. It is critical that you recognize and approach human trafficking cases from a victim-centered perspective. In order to prove the existence of force, fraud, or coercion, you will have to depend on the victim’s testimony.

Victims of human trafficking often suffer from serious physical and psychological trauma. Dealing with trafficking victims requires patience because victims may not identify themselves as victims, speak English, or understand the concept of compelled service or slavery. They are likely to lie or use rehearsed stories initially. Victims may exhibit “Stockholm syndrome,” or behavior favorable toward or empathetic to their captors. They may also be behaviorally dependent on the trafficker and unaware of their rights.

Involve victim services or NGOs as soon as possible, even when there is only a slight indication of victimization. Victim service providers are non-governmental organizations (NGOs) such as immigrant advocacy groups, human rights groups, crime victim-advocacy groups, faith-based community organizations, domestic violence shelters, rape crisis centers, and child advocacy centers. Florida’s Safe Harbor Act addresses the growing number of children who are at risk of sexual exploitation. If you have probable cause to believe that a child is being sexually exploited, deliver the child to the Department of Children and Families and provide a full written report to the Department regarding the findings.

Florida Statutes require all individuals to report suspicion or knowledge that a child is a victim of human trafficking to the DCF by calling the Abuse Hotline at 1-800-96-ABUSE.

Cases involving trafficked children are the only form of child abuse that the DCF will retain jurisdiction over when the suspect is not in a caregiver role.

Working with the Community to Prevent Human Trafficking

The people in the community act as “eyes and ears” to what is happening. They see and hear things that law enforcement does not. They may witness human trafficking but not identify it as such. The community may see human trafficking, know about it, or possibly suspect something is not right with an individual or a situation long before it comes to the attention of law enforcement. The better informed the community is about what human trafficking is, who the victims are, and what resources victims need, the better position law enforcement will be in addressing the problem.

There are multitudes of agencies, service providers, or professions within the community who may encounter victims of human trafficking, such as:

- immigrant, sexual assault, and domestic violence victim advocates
- homeless shelters, food banks, and faith-based providers
- health care providers, walk-in health clinics, and hospitals
- health and labor department, schools, code enforcement, fire marshal, alcohol-licensing agency, and building inspectors
- utility provider or repair person and mail carrier

Types of situations you may overlook as human trafficking incidents can be when:

- a person visits a local clinic for medical reasons, but is not allowed time alone with the physician
- a large migrant population exists in a community, but the children of the workers do not attend the local public school
- a domestic employee rarely seen outside of the employer’s home

Many victims have escaped or been rescued at large discount stores, grocery stores, convenience stores, or gas stations. Make contact with and inform community members of how they can be part of the solution to the problem of human trafficking. The need for a collaborative approach across all sectors and levels of law enforcement, prosecution, and victim services is important to identify victims of human trafficking within the community.

SECTION VOCABULARY

alien

illegal alien

smuggling

trafficking

UNIT 1 | CRIMES AGAINST PERSONS

LESSON 8 | Robbery

OBJECTIVES

LE729.1. Describe the types, facts, and circumstances of an incident that meets the statutory elements required when making an arrest for a robbery.

LE729.2. Determine the type of response by obtaining information from dispatch regarding the status of the robbery.

LE729.3. Identify possible evidence of a robbery by securing the scene and processing any evidence.

LE729.4. Determine the facts of the robbery by gathering information through interviews.

LE729.5. Notify appropriate agency personnel for follow-up to an initial investigation of a robbery, if applicable.

LESSON GOAL: At the end of this lesson, you should be able to respond to an incident involving robbery and determine the appropriate course of action and charges if necessary.

Robbery

The Florida Statutes define robbery in s. 812.13, F.S. A **robbery** occurs when a suspect takes property from a person by using force, violence, or assault. The suspect places the victim in fear, with the intent to deprive the victim, permanently or temporarily, of his or her right to the property, appropriating the property of the victim to the suspect's own use, or to the use of any person not entitled to it. A robbery is a theft plus violence.

To establish probable cause for robbery, document that the suspect took the money or property from the person or custody of the victim by using force, violence, and assault, or by placing the victim in fear during the course of the taking. Add that the property taken was of some value and whether the suspect took the property with the intent to deprive the victim of his or her right to it or any benefit from it, permanently or temporarily. Include whether the suspect took the property to appropriate it for his or her own use or that of any person not entitled to it. Possible enhanced penalties include cases where the robbery is committed while the suspect is in the possession of a firearm or other deadly weapon. Common targets of robberies are people at home, retail stores, convenience stores, banks, and ATMs, including situational victims, senior citizens, drunken people, drug suspects/participants, homeless persons, and prostitutes.

Robbery by Sudden Snatching

According to s. 812.131, F.S., to establish probable cause for robbery by sudden snatching, document that the suspect took the money or property from the person of the victim and in the course of the taking, the victim was or became aware of the taking.

The property taken was of some value and the taking was with the intent to deprive the victim or the owner, permanently or temporarily, of his or her right to the property.

Carjacking

Carjacking is the robbing of a person of his or her vehicle by the use of force, violence, assault, or by putting them in fear during the course of the robbery, as defined in s. 812.133, F.S.

To establish probable cause for carjacking, document that the suspect took the motor vehicle from the person or custody of the victim using force, violence, assault, or by placing the victim in fear during the course of the taking. The suspect took the property

with the intent to deprive the victim of his or her right to the motor vehicle, temporarily or permanently, or any benefit from it. The suspect took the property to appropriate the motor vehicle of the victim to his or own use or that of any person not entitled to it.

Home-Invasion Robbery

Home-invasion robbery is a robbery that occurs within the victim's dwelling while the victim is present and aware that a robbery is taking place. This is often confused with burglary to an occupied residence or vacant residence, which differs in that there is no use or threat of violence against the occupant, as defined in s. 812.135, F.S.

To establish probable cause for home-invasion robbery, document that the suspect entered the dwelling of the victim and that at the time the suspect entered the dwelling, the suspect intended to commit robbery. While inside the dwelling, the suspect did commit robbery.

A dwelling is a building or conveyance of any kind, including any attached porch, whether such building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it and intended for people to lodge in at night, together with the enclosed space of ground and outbuildings immediately surrounding it.

Initial Response

Your initial response to a robbery will vary depending upon whether the robbery is in progress or over with. Approach a robbery in progress using a tactical deployment to keep from alerting the suspect of the presence of law enforcement and possibly preventing a hostage situation. You may respond to a call other than a robbery, where, upon arrival, you find a robbery has occurred. Notify your supervisor after verifying that a robbery occurred to determine the level of assistance needed from additional resources to include crime scene investigators or assigned investigators.

Secure and cordon off the scene of a robbery with crime scene tape to prevent contamination and to allow for evidence processing. When responding to any bank robbery, secure the scene, pending notification from the FBI as to their response.

Obtain statements from victims and witnesses to gather basic information regarding the robbery. This will allow the responding investigator to follow-up during subsequent interviews.

The preliminary robbery report should include a complete description of the suspect to include the weapons used and how the suspect concealed and/or displayed the weapons. The report should also include details regarding the suspect's treatment of victims. Finally, if possible, include a complete itemized list of the property taken, with serial numbers. Discuss with the follow-up investigator any important information related to the robbery.

It is common for an investigator to request that the responding officer exclude certain details in the preliminary report for corroborating confessions or leads as the investigation progresses.

SECTION VOCABULARY

carjacking

home-invasion robbery

robbery

UNIT 1 | CRIMES AGAINST PERSONS

LESSON 9 | Death and Homicide

OBJECTIVES

- LE720.2.** Determine if the death resulted from criminal or natural causes by conducting an initial assessment of the body.
- LE720.3.** Preserve any evidence of and around a dead body by applying crime scene procedures.
- LE720.4.** Document the incident to include known medical history and medications of the deceased person according to agency policies and procedures.
- LE720.5.** Change investigative procedures after determining the death resulted from criminal causes.
- LE720.6.** Identify the deceased person by examining the body and possessions on the scene.
- LE720.7.** Determine when to notify the Medical Examiner's Office when responding to a death, if applicable.
- LE720.8.** Determine how to contact the attending physician of the deceased person for signature of the death certificate, if appropriate.
- LE720.9.** Coordinate the release of the deceased person to the appropriate entity.
- LE720.10.** List some of the causes of Sudden Unexplained Infant Death (SUID) to consider during the preliminary investigation of an infant death.

LESSON GOAL: At the end of this lesson, you should be able to respond to an incident involving death and homicide and determine the appropriate course of action and charges if necessary.

All law enforcement officers will respond to the scene of a death at some point in their career. The cause of these deaths can range from natural causes to the most violent and heinous acts of murder. When you are the primary responding officer, always consider officer safety first, provide first aid as necessary, and then preserve the scene for further investigation.

Causes of Death

Before you can determine what information and evidence to look for, recognize the possible circumstances and categories of a death. There are three broad categories of causes of death: natural, accidental, and criminal. Criminal includes suicides. Although the cause of death may not be immediately apparent, in many cases you will be able to make the initial determination if the death was the result of an accident, natural causes, or criminal wrongdoing.

Initial Response

After arriving at a scene involving a dead person, begin collecting information to make an initial assessment regarding the circumstances of the person's death.

Always approach the scene as a crime scene and consider it a homicide until the information gathered consistently points to elements of a death by natural or accidental causes.

Scan the area surrounding the body for potential hazards or evidence by performing a 360-degree visual sweep of the perimeter. Any evidence on or near the body should be preserved as you secure the scene. Determine the best path to the body so as not to destroy or contaminate possible evidence. Mark the path to the body so that any subsequent officers will follow the same path while conducting the investigation, reducing crime scene contamination.

Document the names of people at the scene and any changes made to the scene. Failure to collect, document, or gather evidence makes it difficult to go back and undo the damage done to the integrity of the investigation. Remember to apply universal precautions to prevent transmission of blood-borne pathogens, and use personal protective equipment to protect yourself from harmful substances or infections when approaching the body. If the scene is in a public location, place a visual

barrier (such as crime scene tape) between the scene and the public without cross contaminating any evidence.

There are several physical indicators that a person is deceased and will not respond to CPR. Some of these indicators include obvious signs of decapitation and decomposition. After death and over time, the body temperature will adjust to that of the surrounding environment and may be cold to the touch. The skin may be pale, waxy, and translucent. The fingernails may be pale. The eyes may have become milky or cloudy, and the eyelids may remain open if they were open at the time of death. While observing the body, look for obvious signs of trauma, such as the presence of blood, cuts, gashes, or bruising. Look for an obvious fatal injury, such as a bullet hole in the head or chest, and notify your supervisor or investigator of any signs of trauma or obvious fatal injury.

Look for evidence of postmortem changes in the body that may assist in estimating the time since death, including ***rigor mortis***, the stiffening of body muscles after death; ***lividity***, the color change due to settling of blood according to gravity; and ***algor mortis***, the postmortem cooling of the body. These parameters are most valuable if they are assessed as soon after death as possible. They change over time and will be altered by putting the body in the mortuary refrigerator until the autopsy the following day. It must be remembered, however, that there is a wide range of individual variation, and that postmortem changes can be further modified by environmental conditions and body physique. The time of death is particularly difficult to estimate in infants and small children. The investigator may also use rigor and lividity to help determine the position of the body at death and whether the body was moved after death.

At some point during the initial investigation and depending on circumstances at the scene, notify your supervisor and/or specialized units immediately. You cannot make a final determination as to the cause or manner of death. Only a medical examiner can make a final determination after the completion of his or her investigation, which can take weeks to conclude. For this reason, respond to all death investigations as homicides until directed to do otherwise by a supervisor or an investigator.

Notifying the Medical Examiner

When any person dies in Florida by criminal violence, accident, suicide, suddenly (when the person has a history of good health), or through any suspicious or unusual circumstance, law enforcement must notify the medical examiner (ME).

DO NOT disturb the body until authorized by the ME, pursuant to multi-agency agreements.

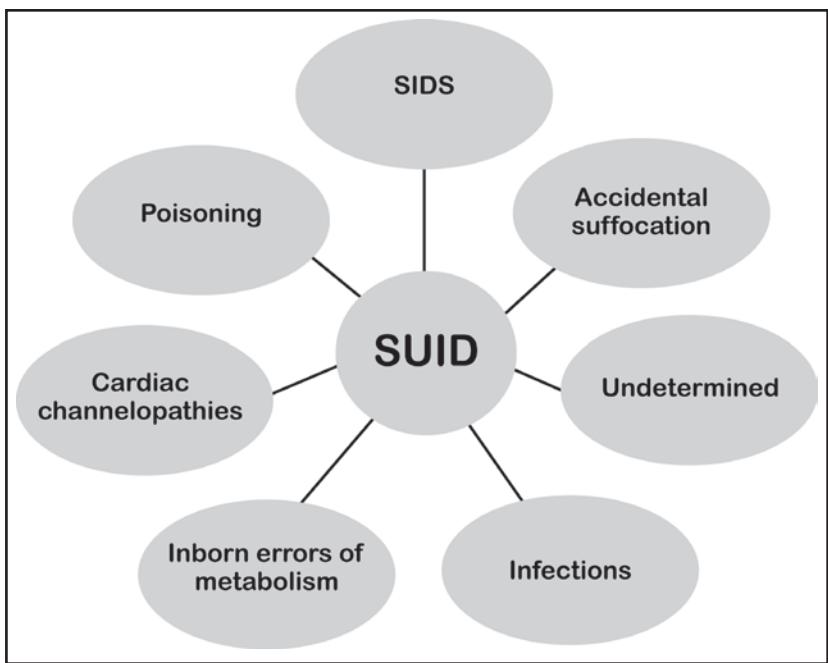
If there are no signs of foul play or trauma, contact the deceased person's physician and inform him or her of the death. If you find prescription bottles at the scene while examining the personal belongings of the deceased person, examine the bottles for the doctor's name. With this information, contact the doctor or his or her medical staff for notification of the death.

LE720.11. Describe how to conduct the preliminary investigation of a SUID.

LE720.12. Identify how the cultural background and beliefs of family members, witnesses, or officers may affect their response to a SUID.

LE720.13. Describe how to manage the stress of investigating a death.

Depending on agency size and agreements with the local ME, law enforcement will provide notification of the death to the ME as soon as reasonably possible and in compliance with Florida Statutes. As authorized by the ME, coordinate the release and/or transport of the deceased body to the local morgue, mortuary, or crematorium.



SUID

Figure 7-2

Child Deaths or Sudden Unexpected Infant Death

Sudden Unexpected Infant Death (**SUID**) is the sudden and unexpected death of an infant due to natural or unnatural causes. Unnatural causes can include suffocation (asphyxia), drowning, electrocution, hyperthermia, hypothermia, carbon monoxide poisoning, and homicide. These causes of infant death can be easily overlooked at first; however, they can be explained after a careful and thorough investigation.

Sudden Infant Death Syndrome (**SIDS**) is one of several causes of SUID and is the most common cause of death in infants aged one month to one year in the United States. SIDS occurs most commonly in infants two to four months of age and rarely after eight months of age. It occurs more frequently in African Americans, American Indians, and Alaska Natives than in Caucasians. It occurs suddenly

and without warning, often during periods of sleep. Ninety percent of the cases occur during a critical period of rapid growth and brain development in the first six months of life. Unfortunately, SIDS, unlike other causes of SUID, is a diagnosis of exclusion. Although most conditions or diseases usually are diagnosed by the presence of specific symptoms, SIDS is a diagnosis that should be given only after all other possible causes of sudden, unexplained death have been ruled out by a thorough investigation. This includes a comprehensive examination of the death scene, an autopsy, and a review of the infant's medical history. A complete death scene investigation is often the only way to make a distinction between SIDS and suffocation as a cause of death.

Suffocation can be caused by choking, constriction of the chest or abdomen, strangulation, narrowing of the airways due to an allergic reaction or some other disorder, inhalation of toxic gases, immersion in water, wedging or entrapment, or neck compression. Common objects in the child's immediate environment often involved in suffocation include plastic bags, soft pillows, bedding, or stuffed animals. An observant investigator can collect some clues that will help determine the specific cause of suffocation and determine whether the manner of death was accidental or intentionally inflicted.

In many cases of SUID, the infant usually appears healthy before death, but occasionally there is evidence of a mild upper respiratory infection or recent physical stress. SUID usually occurs when an infant is asleep or assumed to be asleep. Parents or caregivers may have placed the infant in a bed or crib for a nap and returned to find the infant not breathing or apparently dead. This may occur 10–20 minutes or up to several hours after the parent places the child in bed. Parents or caregivers report not hearing any signs of a struggle, even though they were within hearing distance at all times.

The sudden, unexpected and unexplained death of an infant is a tragic family event. Families experiencing such grief have the right to receive a thorough investigation, so they can understand the true medical cause of such deaths. In addition, parents and other caregivers deserve an investigation that is sensitive to their grieving state and not one that is accusatory or insensitive to the emotions they are feeling.

As the first officer responding to the scene, it is important to introduce yourself and explain your role. The tone you establish at the beginning of the preliminary investigation will have a direct impact on the cooperation of the people present at the scene and the information people are willing to offer during interviews. Your initial response will form the basis of the complete investigation conducted by another investigator trained in investigating child deaths.

Although it is likely that you will only conduct a preliminary investigation, it is essential that you secure the scene, view the infant's body, identify the witnesses and people who may have information about the infant's death, photograph the scene, conduct preliminary interviews, and complete thorough documentation of your findings.

Begin your investigation by ensuring scene safety, removing any environmental or physical threats, and protecting any evidence against contamination and loss. Locate and view the infant's body. Check for pulse, respiration, and reflexes, as appropriate. In most cases the infant's skin is altered (mottled, blue, or gray), which may give the appearance of bruising. There may be frothy, blood-tinged mucus draining from the infant's mouth or nostrils. Photographs of the infant should be taken prior to the infant being transported, to document any and all marks, lividity patterns, etc. Appropriate personnel must make a determination of death and pronounce the time of death.

Identify witnesses and their relationship to the infant. Determine who last placed the infant down, last knew the infant was alive, and discovered the infant was dead. Infant death scenes can be chaotic and crowded with emotional family members and witnesses. Observe witness reactions during the first minutes after your arrival. Obtain general facts and then move to details.

Interview the person who last saw the infant alive and the person who found the infant dead, asking about the infant's exact position and anything observed or heard. Explain your agency's responsibility to perform a complete investigation to the parents or caregivers.

View the environment where the infant was placed, last known alive, and found dead or unresponsive. Photograph the scene from various angles to capture the entire scene and the immediate environment. Note any condition of the residence, odors, lights, temperatures, or other fragile evidence. The position of the infant is crucial to the investigation. Parents or caregivers often move infants from their deceased position in an attempt to resuscitate. This can cause confusion and difficulty in obtaining information the medical examiner will need to determine what caused or contributed to the infant's death.

SECTION VOCABULARY***algor mortis******lividity******rigor mortis******SIDS******SUID***

Be aware that caregivers impaired by drugs or alcohol have been found criminally negligent in some child/infant death cases. Be alert to signs or evidence of drug and/or alcohol use that may have been a contributing factor in the infant's death.

Identify any items of evidentiary value, establish a chain of custody, and follow evidence collection laws. Document any unusual witness behavior, the removal of items from the scene, or anyone leaving the scene. It is essential that you use this first opportunity to locate and evaluate the location(s) within the scene where the infant was purported to have been moved between placement and discovery, while also noting existing environmental conditions that may have affected the infant.

A thorough written documentation of the incident, to include your response, is the final step in the preliminary investigation of a sudden unexplained infant death.

Be aware that detectives, in accordance with the Centers for Disease Control SUID Investigative model, should conduct doll re-enactments of the placed, last seen alive, and found position of the infant at the scene. The re-enactment is to document the infant's placed and found position, all bedding, and any people, pets and objects in the infant's sleep environment at the time of death. Photographs of the re-enactments should be taken by law enforcement and provided to the Medical Examiner prior to autopsy in order to assist them in understanding the role that the sleep environment and sleep position may have played in the infant's death.

Prepare for the parents' or family's responses, keeping in mind they are in shock, distraught, and most likely confused. You may need to repeat information several times. This is a serious investigation; however, try to understand the family's level of grief when experiencing this type of loss. Different cultures respond in different ways to death. Some families are very vocal in their grief, while others may appear unemotional and reserved. Do not jump to any conclusions about the way the family is reacting to the tragedy based on your own cultural background and the way you would respond if you were in this situation.

Be aware of your own emotional reaction when responding to a death. Understand these extremely challenging scenes can be difficult to experience. This stress is often part of your job. Remain professionally distant and do not take on grief that does not belong to you. Some stress indicators you may experience include anger, recurring dreams, physical illness, depression, changes in eating and sleeping patterns, mood swings, and concentration problems. Display professionalism and respect to family members and loved ones at the scene of a death investigation to minimize the trauma they are experiencing. Avoid inappropriate behavior due to stress and maintain a high level of professionalism.

UNIT 1 | CRIMES AGAINST PERSONS

LESSON 10 | Missing and Endangered Persons

LESSON GOAL: At the end of this lesson, you should be able to respond to an incident involving a missing and endangered person and determine the appropriate course of action and charges if necessary.

Initial Response

A **missing and endangered person** is any one of the following:

- missing child, younger than 18 years old
- missing adult, younger than 26 years old
- missing adult, older than 26 years and believed to be in danger or the victim of criminal activity
- missing adult, older than 18 years that meets the criteria for a Silver Alert

When dispatched to a call regarding a missing person, follow the Missing Endangered Persons Information Clearinghouse (MEPIC) guidelines.

1. Respond promptly to the scene of the report of a missing person.
2. Consider activating a patrol-vehicle-mounted video camera when approaching the scene to record vehicles, people, and anything else of note for later investigative review.
3. Interview the person who made the initial report. Determine if the missing person has a history of running away.
4. Confirm the person is in fact missing by conducting a thorough search of the house.
5. If a child is missing, verify the child's custody status.
6. Identify the circumstances of the disappearance.
7. Determine who last saw the missing person, when and where.
8. Interview the individuals who last had contact with the missing person.
9. Identify the person's zone of safety for his or her age, developmental, physical, and mental state.
10. Make an initial determination of the type of incident.
11. Obtain a description of the missing person including photographs and videotapes.
12. If applicable, obtain a description of any suspected abductors and other pertinent information.

OBJECTIVES

LE615.1. Describe the process for gathering sufficient information regarding a missing and endangered person to initiate an Amber Alert or a Silver Alert in a timely manner.

LE615.2. Describe the law enforcement response to an endangered runaway child that is at significant risk or in danger.

LE615.3. Describe the role of the Child Abduction Response Team (CART) when responding to an abducted child or other missing and endangered child incident.

LE615.4. Describe the five conditions or criteria the officer must meet to activate the Florida AMBER Plan.

LE615.5. Describe the role of the National Center for Missing and Exploited Children (NCMEC).

LE615.6. Describe the role of A Child Is Missing, Inc. when a missing person's incident does not meet the criteria to issue an AMBER Alert.

LE615.7. Describe the standardized criteria the officer must meet to activate the Florida Silver Alert.

LE615.8. Describe the role of Florida Department of Elder Affairs and Project Life Saver when a missing person is suffering from Alzheimer's disease and related disorders.

LE615.9. Describe the role of the officer to assist with furthering the investigation of a missing or endangered person.

LE615.10. Describe the role of the Blue Alert in notifying the public of critical information regarding an officer down or missing and an at large suspect.

13. Evaluate whether the circumstances of the child's disappearance meet AMBER, Silver, or Blue Alert criteria and other immediate community notification protocol. Discuss plan activation with your supervisor.
14. Provide continuous, detailed, descriptive information to the communications unit for broadcast updates as you obtain new information.
15. Identify and interview everyone at the scene, neighboring residences, or businesses separately.
16. Continue to tell the communications unit about all appropriate developing information for broadcast updates.
17. Extend the search to surrounding areas including vehicles and other hidden places. Determine if surveillance or security cameras in the vicinity may have captured information about the disappearance. Use additional resources to canvass the surrounding areas.
18. Secure and safeguard the area as a potential crime scene.
19. Record if the missing person has access to an online computer, cellular telephone, and pager.
20. Review sex-offender registries to determine if any such individuals live, work, or associate within the area of the child's disappearance.
21. Determine the correct National Crime Information Center (NCIC) Missing Person File category and ensure entry within two hours of the report.
22. Prepare necessary reports and complete appropriate forms.

The initial search should include buildings and areas where someone last saw the missing person. Make sure the person is not inside the residence, especially when you are searching for children. It is somewhat common to find children sleeping or hiding in the residence the caregiver is reporting them missing from. If the missing person is not in the building, contact your supervisor for further direction.

Obtain information regarding how far the missing person could travel based on his or her physical condition and where the missing person was seen last to determine the scope of the search. It is important to secure the area where someone last saw the person, and control entry and exit points if the situation seems to be a criminal abduction or if you suspect foul play.

Evaluate the contents and appearance of the missing person's room, home, car, and other personal spaces. Inspect the room of the missing person with the caregiver to learn if personal items are missing. Hairbrushes, drinking glasses, toys, and other items are valuable sources of fingerprints, DNA, and scent. Be aware of the location of diaries, computers, cell phones, game systems, and other electronic devices. They may contain evidence and useful information for further investigation.

Runaway Children

Children who run away are missing and at considerable risk of falling prey to heinous crimes. These children are typically running away from an abusive home situation. Presume the runaway child is in danger. A large percent of runaway children that remain at large for two or more weeks will become involved in theft, drugs, or pornography. Most teens on the street are at risk to traffickers who lure them into prostitution and sex trafficking within 48 hours of leaving home. Gay, bisexual, and transgender children are at even greater risk of becoming involved in prostitution and child trafficking. Other risks that runaways face are malnutrition, psychological disorders, HIV infection and other sexually transmitted diseases, unwanted pregnancies, drug and alcohol abuse, robbery, and sexual and physical assault. Major depression, emotional and behavioral problems, and post-traumatic stress disorder are also higher among runaways.

A **missing child** is a person younger than 18 years of age whose temporary or permanent residence is in, or believed to be in, this state. The missing child's location has not been determined and someone reported the child as missing to a law enforcement agency. Runaways fit that definition. There is nothing in Florida Statutes that indicates that law enforcement should not take the same steps to find the missing child if the child is a runaway and that runaways are simply a subset of missing children.

The Interstate Compact on Juveniles applies to runaways and does not treat them differently from other juveniles. Florida law enforcement agencies are to be involved in the process for handling runaway youth and should not disregard missing children simply because they may be runaways.

Make the same effort in locating and recovering runaway children as is devoted to abducted children.

Florida's Safe Harbor Act addresses the growing number of runaway children who are at risk of sexual exploitation. If you have probable cause to believe a runaway child is being sexually exploited, deliver the child to the Department of Children and Families and provide a full written report to the Department regarding the findings. Treat the child as a victim and a dependent child rather than as a delinquent.

Child Abduction Response Team

The Child Abduction Response Team (CART) is a multi-agency child abduction team that permits law enforcement to provide an organized, rapid, and planned response to an abducted child or other missing and endangered child case. The CART consists of local, state, and federal law enforcement agencies and private sector partners. They agree to participate and work in conjunction with the FDLE Missing Endangered Persons Information Clearinghouse (MEPIC) to provide personnel and resources to assist in handling missing endangered child cases. Criteria for CART activation are a missing, endangered, or abducted child. The CART has the ability to use the AMBER Alert or the Missing Child Alert when the incident meets the criteria for activation.

Rapid response is critical to the safe rescue of a child, and the goal of CART is to bring a toolbox full of assets ready to deploy to any location as quickly as possible. CART teams are in operation throughout Florida. With a single phone call to any of the FDLE Regional Operation Centers, local law enforcement agencies have immediate access to all of the expertise and resources of CART.

Document missing, endangered, and abducted child incidents by writing a thorough, complete account of the incident including all actions taken. Log the information into the FCIC/NCIC and MEPIC databases using the proper reporting form.

Florida AMBER Plan

As required by Florida Statutes, the FDLE, in conjunction with the Department of Community Affairs and the Florida Association of Broadcasters, Inc., established the statewide Florida AMBER Plan. Its purpose is to broadcast critical information about a missing or abducted child, in a timely manner, to the public via radio, television, and the internet. People who see the child or abductor or have knowledge of the abduction can immediately provide information to the investigating law enforcement agency.

To activate the Florida AMBER Plan, five conditions must exist:

1. The child must be less than 18 years of age.
2. There must be a clear indication of abduction.
3. The local law enforcement agency of jurisdiction must recommend the activation.
4. There must be a detailed description of child, abductor, or the vehicle to broadcast to the public (use a photo when available).
5. The law enforcement agency's investigation must conclude the child's life is in danger.

This service is available to every law enforcement agency in Florida, 24 hours a day, and seven days a week. An agency can activate an AMBER Alert by calling the FDLE Missing Endangered Persons Information Clearinghouse (MEPIC) at 1-888-FL-MISSING (356-4774). The FDLE has a reciprocal agreement with the Georgia Bureau of Investigation to activate their plan if needed. You may also call the FDLE's toll-free clearinghouse number to ask questions or express concerns about the Florida AMBER Plan.

The National Center for Missing and Exploited Children (NCMEC) works with law enforcement, families, and professionals who serve them on issues related to missing and sexually exploited children. NCMEC is a missing children hotline that serves as the national clearinghouse for information related to these issues, which you can contact at www.MissingKids.com or 1-800-843-5678. NCMEC is a good training resource and provides literature related to missing and exploited children.

A Child Is Missing, Inc. offers free assistance to law enforcement to aid in the recovery of missing persons including children, teens, and the elderly. It provides immediate neighborhood telephone alerts to the surrounding community. Local law enforcement can contact A Child Is Missing, Inc. by calling 1-888-875-2246 with the missing person's information. A recorded message will be developed and sent to homes and businesses within the requested radius. Law enforcement may use this option if the missing person's incident does not meet the criteria to issue an AMBER Alert.

Florida Silver Alert Plan

The Florida Chiefs and Sheriffs, Florida Department of Transportation, Florida Department of Elder Affairs, Department of Highway Safety and Motor Vehicles, Florida Highway Patrol, Florida Department of Law Enforcement, and Florida legislators have worked in conjunction with concerned citizens and organizations to develop Florida's Silver Alert Plan.

The statewide Silver Alert is a plan to aid local law enforcement in the rescue or recovery of a missing adult who suffers from irreversible deterioration of intellectual faculties. The plan recognizes the most effective response to a missing adult brings together community resources for the search to enhance the investigative

response by the local law enforcement agency. The plan further acknowledges the investigating local law enforcement agency should activate the Silver Alerts because they are in the best position to notify the media and disseminate the information through avenues such as neighborhood telephone alerts and other technologies the agency may have to communicate with people who live in the community.

In the event the missing adult uses a vehicle during the Silver Alert incident, law enforcement can activate the statewide messaging system by using FDOT's highway dynamic message signs and other highway advisory methods. This alert will enhance and supplement the local agency response by broadcasting vehicle information about the missing person to motorists and the public.

The standardized criteria for initiating the Florida Silver Alert Plan are as follows:

The missing person must be 60 years or older, there must be a clear indication the individual has an irreversible deterioration of intellectual faculties (e.g., dementia), and law enforcement must verify this information.

Or

Under extraordinary circumstances, when a person age 18 to 59 has irreversible deterioration of intellectual faculties, law enforcement has determined the missing person lacks the capacity to consent, and the use of dynamic message signs may be the only possible way to rescue the missing person.

In addition to the above criteria, law enforcement must meet the following primary criteria for FDOT/FHP/FDLE dynamic message sign activation:

1. Local law enforcement has already activated a local or regional alert by contacting a media outlet in their own and surrounding jurisdictions.
2. The law enforcement agency's investigation must conclude that the disappearance poses a credible threat to the person's welfare and safety.
3. There must be a description of the vehicle, and a tag number to display on the Florida Department of Transportation dynamic message signs.
4. Local law enforcement must verify vehicle and tag information.
5. A local law enforcement agency must have entered the missing person into the Florida Crime Information Center and issued a statewide BOLO to other law enforcement/911 centers.

The activation process requires the local law enforcement agency to contact the MEPIC at 1-888-356-4774 and the Clearinghouse will contact the FDOT to activate the dynamic message signs.

The following resources are available to local law enforcement to aid in the rescue or recovery of cognitively impaired missing persons. The Florida Department of Elder Affairs can provide an email alert notification through the Aging Services Network, which includes area agencies on aging, community-care lead agencies, providers, and volunteers. Local law enforcement can provide the Department of Elder Affairs with the missing person's flyer or information by calling 1-850-414-2000 or emailing SilverAlert@elderaffairs.org.

Project Lifesaver is a plan that aids the victims and families suffering from Alzheimer's disease and disorders such as Down's syndrome and autism.

SECTION VOCABULARY***missing child******missing and endangered person***

Project Lifesaver uses state-of-the-art technology, employing wristband transmitters to locate wandering and lost adults and children. The website is <http://www.projectlifesaver.org/>.

Be aware that you might assist with furthering the investigation of a missing or endangered person by:

- questioning the complainant, family members, friends, business associates, teachers, school resource officers, visitors, and workers who regularly or periodically come to the home, school, or place of employment
- contacting dispatch with information gathered in the interviews to request a record check on the missing person
- being familiar with the community and knowing the location of sexual offenders, if the missing person is a child

Should you find the missing person alive, make sure the person receives necessary medical attention. If the victim does not need medical treatment, contact the assigned investigator to determine who will conduct the follow-up interview, where the missing person had been, and if he or she is the victim of a crime. At this time, instruct dispatch to remove the missing person from NCIC/FCIC.

Blue Alert

The Blue Alert Foundation, Inc. developed the Blue Alert system to help provide law enforcement with the means to apprehend more quickly violent criminals who kill or seriously injure local, state, or federal law enforcement officers. The Florida Blue Alert Plan uses technologies employed by the Amber Alert Plan to notify the public of critical information when a law enforcement officer has suffered serious bodily injury, is killed, or is missing while in the line of duty and the suspect poses an imminent threat to the public. In some of these cases, additional information is available for broadcast, such as a detailed description of the suspect's vehicle or other means of escape and/or the license plate of the suspect's vehicle.

Under the Blue Alert Plan, the FDLE in conjunction with the Florida Department of Highway Safety and Motor Vehicles, Florida Highway Patrol, and the Florida Department of Transportation, immediately broadcast important information about the offender when this information would help prevent further harm or assist in the apprehension of the suspect. Law enforcement disseminates a Blue Alert to the public through the Emergency Alert System by broadcasting the alert on television, radio, and dynamic message signs located along the state's highways. To sign up to receive email alerts when law enforcement activates a Blue Alert, go to their website at <http://bluealert.imarcsgroup.com/>.

UNIT 1 | CRIMES AGAINST PERSONS

LESSON 11 | Domestic Violence

LESSON GOAL: At the end of this lesson, you should be able to respond to an incident involving domestic violence and determine the appropriate course of action and charges if necessary.

Domestic Violence

In Florida, domestic violence is not a criminal charge. When you arrest a person for a domestic violence incident, the actual charge will be from a related statute. In domestic violence cases, the charge can be battery, aggravated battery, or sexual battery, etc. The relationship between the perpetrator and the victim classifies these charges as domestic violence. Section 741.28, F.S., defines domestic violence as “any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.”

Family or household means spouses, former spouses, people related by blood or marriage, people who are presently residing together as a family or have resided together in the past as a family, and people who are parents of a child in common, regardless of whether they have been married. With the exception of people who have a child in common, the family or household members must be currently residing or in the past have resided together in the same single dwelling unit.

If, after thorough investigation, you develop probable cause that a crime meeting the domestic violence criteria occurred and the suspect is present, make an arrest. Arrest is the preferred response only with respect to the primary aggressor; however, not with respect to a person who acts in a reasonable manner to protect oneself or other family member from violence.

Most employing agencies have pro-arrest policies and procedures that make arrest mandatory if probable cause exists. The decision to arrest and charge shall not require consent of the victim or consideration of the relationship of the parties. You are exempt from any civil action that may result from an arrest based on probable cause in good faith relating to domestic violence cases.

The victim and suspect can be the only people present at the scene of a domestic violence incident and can provide you with all of the information. Sometimes, obtaining the details of the incident from the victim and suspect is almost impossible because of the intensity of the emotions. If either or both refuse to provide adequate

OBJECTIVES

LE619.1. Determine when an incident meets the criteria for domestic violence according to the Florida Statutes.

LE619.2. Determine if the facts and circumstances meet the elements required when making an arrest for a domestic violence qualifying offense.

LE619.3. Apply investigative findings to determine the primary aggressor in a domestic violence incident.

LE619.4. Describe a possible course of action the officer can suggest in a domestic violence incident in which an arrest is not a viable option.

LE619.5. Document a domestic violence incident according to the Florida Statutes and agency policies and procedures.

LE619.6. Determine if a domestic violence incident meets the requirements for an emergency injunction to protect a victim.

LE619.7. Assist a victim of domestic violence by providing a victim's rights and remedies brochure and/or arranging for transportation to a shelter.

information about the incident, turn to witnesses who were in the room during the incident. If no witnesses were in the room at that time, contact the people closest to the incident to obtain more information. If children are present, obtain additional information from them if they witnessed the incident. Contact the Department of Children and Families if you determine the home is not safe for the children or if you decide to arrest both combatants.

Determine the Primary Aggressor

Evaluate each party's statements separately to determine whether there is probable cause for arrest. If probable cause exists to believe that two or more people have committed a misdemeanor or felony or if two or more people make complaints, try to determine the primary aggressor. Determine who the primary aggressor is by analyzing the totality of the circumstances of the incident. By comparing all information obtained and then looking for inconsistencies and untruths, you should be able to identify the primary aggressor in almost all incidents that involve two or more combatants.

Except in rare circumstances, arrest only the primary aggressor and not a person who acted reasonably to protect or defend him- or herself or another family or household member from domestic violence. If only one person lodged a complaint, the incident did not involve mutual combatants.

Use the following factors to help identify the primary aggressor and make an arrest:

- Compare physical evidence to statements.
- Compare injuries to statements.
- Consider evidence or patterns of assault and coercion; include physical, sexual, and psychological abuse.
- Compare the victim, witness, and suspect's statements.
- Assess the verbal and nonverbal communication of involved parties.
- Consider the emotional state, use of physical stature for intimidation, and fearfulness of involved parties.
- Consider violent physical acts such as the following:
 - Who damaged property?
 - Who injured animals?
 - Who ripped the phone from the wall?
 - Does the injury fit the story of the person who claims self-defense?

Typical defensive wounds include bruising or cuts on outer forearms, back, backs of legs, palms, or inside fingers or fingertips.

Documenting Evidence

Physical evidence is very important in an investigation. Photograph and document evidence carefully or document the lack of evidence. It may be necessary for you to return in 24–48 hours to take additional pictures of the victim to document any bruising fully. Physical evidence can help solve a case involving uncooperative witnesses. Additionally this documentation can help reduce or identify false claims of domestic

violence. Unlike other crimes, the victims of domestic violence do not have to consent or cooperate with the investigation before you can make an arrest. Evidence can also help to corroborate the accounts of witnesses or participants.

Course of Action

When probable cause for arrest does not exist, and all the people involved in the incident are calm enough to be reasonable, bring them within hearing distance of each other to explain the options available. For example, you could ask participants to sit at their dining room table and discuss:

- obtaining counseling
- acting on information provided on handouts covering domestic and dating violence and injunctions
- seeking assistance from social service agencies
- arranging for transportation or safe haven

If arresting the suspect, tell the victim the reason for the arrest and where you will transport the suspect. A suspect arrested for an act of domestic violence must remain in custody until brought before the court for a bail determination.

This prevents the offender from immediately returning to the household or reinitiating contact with the victim, and gives the victim time to obtain an injunction for protection without the suspect's interference. Additionally, it provides the victim time to seek help and possibly a safe place to stay. When determining bail, the court will consider the safety of the victim, children in the home, and any other person who may be in danger if the court releases the defendant. Before the court releases the offender, the correctional facility will notify the victim.

Regardless of the outcome, Florida Statutes requires you to document the domestic violence incident with a written report. If you do not make an arrest in a domestic violence incident, you are required to document the incident, as stated in s. 741.29, F.S., indicating in a full report why you did not make an arrest. In doing so, you and your agency assume a certain amount of liability should the parties reengage in violence and injury occur.

Section 741.29, F.S., states that no law enforcement officer is liable in any civil action for an arrest based on probable cause, enforcement of a court order, or service of process in good faith arising from an alleged incident of domestic violence.

Injunctions

Inform the victim that he or she could go to the courthouse and file for the appropriate injunction. The victim must complete an affidavit, explaining why she or he needs the protection. All forms are free of charge from the clerk of court. A judge reviews the affidavit and grants or denies the request. The victim is not assessed filing fees for an injunction. Although an injunction is a civil action, it has criminal implications that are enforceable by law. Law enforcement honors injunctions from another state or country (foreign), and can advise a victim to notify the local clerk of the court to re-issue the injunction in Florida if the victim is now residing in Florida.

The violation by the respondent of a custody arrangement outlined in an injunction will generally remain a civil matter unless the respondent violates one of the provisions in s. 741.31, F.S. If you determine the

circumstances of the custody dispute are civil in nature, maintain the status quo and document the incident on the appropriate report.

Injunction for Protection Against Domestic Violence pursuant to s. 784.028(3), F.S., is for people who meet the statutory definition of family or household member who is the victim of domestic violence.

An Injunction for Protection Against Stalking pursuant to s. 784.0485, F.S., is for people who are the victim of stalking; Florida Statutes also helps the parent or legal guardian of a minor child who is living at home who is seeking an injunction for protection against stalking.

Dating Violence

Dating violence is violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the following:

- the existence of the relationship within the past six months
- the character of the relationship includes the expectation of affection or sexual involvement
- the frequency and type of interaction must occur over time and on a continuous basis during the course of the relationship

This term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context. The investigation of dating violence is similar to domestic violence as per Florida Statutes, s. 784.046 (11–16).

An Injunction for Protection Against Dating Violence pursuant to s. 784.046, F.S., is for the protection of a victim who has had a continuing and significant relationship of a romantic or intimate nature and the relationship has become violent.

Repeat Violence

Repeat violence means two incidences of violence or stalking, committed by the suspect, one of which must have been within six months of the filing of the petition, and directed against the victim or the victim's immediate family member. If you know the suspect is in violation of an existing injunction for protection against repeat violence, arrest the suspect based on the nature of the violation. Use your arrest powers pursuant to Florida Statutes to enforce the terms of an injunction for protection.

An Injunction for Protection Against Repeat Violence pursuant to s. 784.046, F.S., is for people who do not meet the statutory definition of family or household member, but who have been victims of at least two incidents of violence or stalking by the alleged abuser within the last six months.

Sexual Violence

Sexual violence means any one incident of sexual battery (a lewd or lascivious act committed on or in the presence of someone younger than 16 years of age). This includes luring or enticing a child, sexual performance by a child, or any other forcible felony where a sexual act is committed or attempted, regardless of whether the state attorney filed, reduced, or dismissed the criminal charges based on the incident.

An Injunction for Protection Against Sexual Violence pursuant to s. 784.046, F.S., is available for victims of sexual violence.

Victim Economic Security

Law enforcement must address victim economic security associated with violence against women as victim safety links to economic security. Victims may experience:

- debt from healthcare, damaged property and security/relocation costs
- dependency on the abuser for basic needs
- job loss or lost wages
- unfinished education or training
- eviction and damaged tenant history
- loss of personal property

In addition, abusers use economic abuse as a tool of power and control, such as unauthorized use of finances, falsification of records, and coercion into crime. These financial aspects of violence can thwart victims' ability to reestablish their life and move forward. From the initial call and follow-up investigation you can:

- Look for red flags of economic abuse or dependency at the scene, such as whether the offender took the only credit card or set of keys.
- Assess if the offender destroyed any property needed for immediate safety (getting to work/school, safe housing, paying bills, etc.).
- Document evidence of stolen or damaged property, electronic surveillance, economic crimes and financial threats or intimidation.

Detail the full scope of the violence, including economic abuse and crimes, which will help the prosecution make informed decisions about charges, and judges can order the most appropriate sanctions. Connect victims with advocates to identify financial services, counsel them on economic relief options, and support them through the criminal justice system process.

Victim's Rights Brochures

You will provide the victim of any crime a victim's rights information card or brochure that contains essential information concerning the rights of the victim and services available to the victim, per s. 960.001, F.S. If the situation is a domestic violence situation, present the "Notice of Legal Rights and Remedies for Victims of Domestic Violence, Dating Violence, Repeat Violence, Sexual Violence, Stalking" brochure, per s. 741.29, F.S. Document in the incident report the victim received the brochure. If the situation involves a sexual battery, present the "Sexual Battery—Victim's Rights and Services" brochure from the Florida Council Against Sexual Violence, as per s. 794.052, F.S.

SECTION VOCABULARY

dating violence

domesticated

injunction

repeat violence

sexual violence

UNIT 1 | CRIMES AGAINST PERSONS

LESSON 12 | Hate Crimes

OBJECTIVES

LE730.1. Define a hate crime according to the Florida Statutes when investigating a criminal offense.

LE730.2. List the types of prejudices that determine if a crime meets the criteria of a hate crime according to the Florida Statutes.

LE730.3. Document an incident involving a hate crime according to the Florida Statutes and agency policies and procedures.

LESSON GOAL: At the end of this lesson, you should be able to respond to an incident involving a hate crime and determine the appropriate course of action and charges if necessary.

Crimes Driven by Hate

A ***hate crime*** is an aggravation of a crime by selecting a victim based on prejudice. There is no criminal charge for a hate crime. A hate crime is any crime that is motivated by prejudice or discrimination. Just as there is no separate offense for domestic violence in Florida, there is no specific offense for a hate crime. Section 775.085, F.S., imposes stiffer penalties for crimes motivated by or showing prejudice or discrimination.

Mental or physical disability means the victim suffers from a condition of physical or mental incapacitation due to a developmental disability, organic brain damage, or mental illness, and has one or more physical or mental limitations that restrict the victim's ability to perform the normal activities of daily living.

Advanced age means the victim is older than 65 years of age.

Homeless status means the victim lacks a fixed, regular, and adequate nighttime residence or has a primary nighttime residence that is either a supervised publicly or privately operated shelter designed to provide temporary living accommodations, or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for people.

Statements the suspect makes to the victim and witnesses while committing the crime, graffiti drawn at the scene, as well as other physical evidence found at the scene may establish proof the motivation of the crime was prejudice or discrimination. Evidence may be available to show the offender deliberately targeted the victim because of the victim's race, color, ancestry, ethnicity, religion, sexual orientation, gender, nationality, age, mental or physical disability, or homeless status.

If evidence at the scene and the facts of the case show that prejudice or discrimination motivated a crime, indicate in the report and the arrest affidavit that a hate crime has been committed so the state attorney's office can apply for the appropriate penalty enhancements.

Course of Action

Hate crime victims often react differently from victims of other crimes. The victim realizes the suspect targeted them because of a personal characteristic. The victim may

find you threatening if he or she is of another national origin or race, especially if you belong to the same race as the perpetrator. The victim may be reluctant to talk if he or she perceives you are biased. Question the victim sensitively, and remain discreet about requesting answers from distraught victims. Ask the victim if he or she knows the reason for the victimization.

Remain vigilant in the execution of your duties, acting professional at all times, as these victims have just experienced a traumatic situation, and additionally victimized because of who or what they are. At all times, never belittle or make light of any situation no matter how simple or inappropriate it may seem from your perspective. Assure hate crime victims of your professional interest in serving justice.

Document that the suspect committed a crime and the suspect intentionally selected the victim because of the perception or knowledge of the victim's race, color, ancestry, ethnicity, religion, sexual orientation, gender, national origin, homeless status, mental or physical disability, or advanced age. If you find the suspect committed a crime, but are not convinced the suspect intentionally selected the victim based on prejudice, only charge the suspect with the crime charged. When documenting a hate crime enhancement, include information regarding the suspect knowingly and specifically targeting the victim with prejudice and discrimination. Document in the incident report the suspect's intent, reflected by act or word, during the commission of the crime. The Hate Crimes Reporting Act, as outlined in s. 877.19, F.S., allows for the collection and dissemination of data related to hate crimes for research or statistical purposes only.

SECTION VOCABULARY

advanced age

hate crime

homeless status

UNIT 2 | CRIMES AGAINST SOCIETY

LESSON 1 | Breach of the Peace

OBJECTIVES

- LE736.1.** Define loitering or prowling according to the Florida Statutes.
- LE736.2.** Define disorderly conduct according to the Florida Statutes.
- LE736.3.** Define disorderly intoxication according to the Florida Statutes.
- LE736.4.** Define disorderly conduct on the premises of a licensed establishment according to the Florida Statutes.
- LE736.5.** Define open house party according to the Florida Statutes.
- LE736.6.** Determine if the incident is a breach of peace by applying elements of the Florida Statutes.

LESSON GOAL: At the end of this lesson, you should be able to respond to an incident involving a breach of the peace and determine the appropriate course of action and charges if necessary.

Loitering and Prowling

To establish probable cause for loitering or prowling, document that the suspect loitered or prowled in a place, at a time, or in a manner not usual for law-abiding individuals. The loitering and prowling was under circumstances that warranted justifiable and reasonable alarm or immediate concern for safety of people or property in the vicinity. Some of the circumstances you may consider in determining whether to be alarmed or have an immediate concern is when the suspect:

- takes flight upon appearance of a law enforcement officer,
- refuses to identify him or herself, or
- attempts to conceal him- or herself or any object.

Give the person an opportunity to dispel any alarm or immediate concern by requesting him or her to identify and explain their presence and conduct.

Section 856.021, F.S. states that “it is unlawful for any person to loiter or prowl in a place, at a time, or in a manner not usual for law-abiding individuals, under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity.” If a person runs away after observing a law enforcement officer, refuses to identify or tries to conceal him- or herself or an object, that person may be loitering or prowling.

The fact that a person is out at odd hours, without showing any other suspicious activity, will not warrant an arrest for loitering or prowling.

If a person does not flee, allow the individual an opportunity to identify him- or herself and explain his or her presence and conduct. Properly advise a person of his or her *Miranda* rights prior by asking them to explain their presence and conduct.

Absent probable cause of some other offense, if the person voluntarily explains his or her presence and conduct, and the explanation dispels any alarm the officer has, you must release the person without charge. If you fail to release the person, this inaction may result in dismissal of the case in court and you may incur civil liability for a false arrest. The court will also not convict a person of an offense under this section if it appears at trial that the explanation given by the person for his or her presence at the scene was true and, if believed by you at the time, would have dispelled any alarm or immediate concern.

Disorderly Conduct

To establish probable cause for disorderly conduct, document that the suspect was endangering the safety of another person or property, was in a public place or conveyance, and causing a public disturbance.

A **public place** is a place where the public has a right to be and to go.

Section 877.03, F.S., defines disorderly conduct as conduct that corrupts the public morals, outrages the sense of public decency, or affects the peace and quiet of people who may witness it. Brawling or fighting in public may constitute a breach of the peace or disorderly conduct. Urinating in public is disorderly conduct, not an exposure of sexual organs. Disorderly conduct is not a catchall statute. Unless a suspect's words actually incite a reaction from onlookers or create a danger to others, such as shouting "fire" in a crowded theater, freedom of speech protects the individual from arrest. A person who simply curses at others or officers may not be arrested for disorderly conduct unless other factors are present that would threaten the safety of the officer or others.

Be careful not to rely on this statute as a crutch when reaching high levels of frustration with a suspect. Loud and rowdy subjects should be calmed using verbalization, command presence, and crisis intervention skills. Do not charge anyone with breaching an officer's peace, when you are on duty.

Disorderly Intoxication

To establish probable cause for disorderly intoxication, document that the suspect was intoxicated, endangering the safety of another person or property, in a public place or conveyance, and causing a public disturbance.

Intoxication means more than merely being under the influence of an alcoholic beverage. Intoxication means the defendant must have been so affected from the drinking of an alcoholic beverage as to have lost or been deprived of the normal control of his or her body, mental faculties, or both. Intoxication means the same thing as drunk.

The difference between disorderly conduct and disorderly intoxication is the element of intoxication. Document evidence of intoxication in such cases the same way they would in a DUI investigation, by identifying specific indicators of intoxication such as slurred speech, bloodshot eyes, staggered gait, etc.

The defendant's admission that he or she drank an alcoholic beverage is not sufficient by itself to prove beyond a reasonable doubt that he or she was under the influence of an alcoholic beverage; however, take into consideration this admission along with other evidence.

Section 856.011, F.S., states that no person in the state shall be intoxicated and endanger the safety of another person or property, and no person in the state shall be intoxicated or drink any alcoholic beverage in a public place or conveyance and cause a public disturbance.

Open House Party

An **open house party** is a social gathering at a residence that is legal unless minors consuming alcohol or drugs are present. A person with control of a residence where a house party occurs, who knows that alcoholic beverages or drugs are in the possession of or are being consumed by a minor at the residence, is in violation of s. 856.015, F.S. The person in control of the residence must take reasonable steps to prevent the possession or

SECTION VOCABULARY*intoxication**open house party**public place*

consumption by minors of alcoholic beverages and drugs. This section does not apply to the use of alcoholic beverages at legally protected religious observances or activities. You cannot arrest a minor for an open house party; however, you can take action by requiring parents to retrieve their children from the party.

Breach of Peace

According to s. 877.03, F.S., to establish probable cause for breach of peace, document that the suspect's actions disturbed a person. Breach of peace is synonymous with disorderly conduct. Disorderly conduct that corrupts public morals, outrages public sense of decency, or affects the peace and quiet of people who may witness it is probable cause for an arrest for breach of peace or disorderly conduct. This also includes brawling, fighting, or an affray.

UNIT 2 | CRIMES AGAINST SOCIETY**LESSON 2 | Illicit Drugs and Vice Crimes****OBJECTIVES**

LE738.1. Determine if the incident is possession of an illicit drug by applying the elements of the Florida Statutes.

LE738.2. Differentiate between the types of vice crimes that can be present when responding to an incident.

LE738.3. Describe the association between organized crime and vice crimes.

LE790.6. Describe how the Florida Comprehensive Drug Abuse Prevention and Control Act schedules legal and illegal drugs.

LESSON GOAL: At the end of this lesson, you should be able to respond to an incident involving illicit drugs or vice crimes and determine the appropriate course of action and charges if necessary.

Illicit Drugs

There are many sources of illicit drugs in the United States. Drugs are smuggled, diverted, and intercepted from legitimate sources; suspects can obtain drugs from an elderly person's medicine cabinet. Illegal drugs are also manufactured and cultivated in clandestine laboratories and grow houses. Abuse of prescription drugs is on the rise, and suspects will "doctor shop," abuse pharmaceuticals, steal prescription pads, or deal in gray market drugs in order to meet their needs.

The primary reason drug activity is under-reported is the victims of the crimes are also party to illegal activity. The victim must maintain a relationship with the dealer to preserve the source of the supply. Often relatives and friends of users are protective or ashamed of them and do not want to get involved. However, you may not charge, prosecute, or penalize for possession of a controlled substance because a person acting in good faith seeks assistance for an individual experiencing a drug-related overdose.

Common methods used to transport drugs include both private and public conveyances and shipments via commercial delivery companies such as UPS, the U.S. Postal Service, and FedEx. Suspects may conceal drugs in items such as children's toys, or other commodities. Individuals known as mules will conceal drugs on their person, often in balloons hidden in body cavities. Section 932.706, F.S., allows you to profile drug couriers; however, you may not profile a person based solely upon that person's race or ethnicity. Conducting a drug courier profile involves determining if the reason for the profile is so broad that it applies to a large percentage of the law-abiding population. Florida case law reflects statute in the following cases:

- *United States v. Sokolow*, 109 So.2d 1581 (1989)
- *Cresswell v. State*, 564 So.2d 480 (Fla. 1990)
- *State v. Johnson*, 561 So.2d 1139 (Fla. 1990)

Narcotic investigations may involve undercover operations, use of informants, surveillance, and trash pulls. Patrol officers may be present wearing uniforms during execution of a search warrant in a narcotics investigation. Other narcotics evidence tasks include field-testing, counting, and weighing seized drugs, sealing and labeling the evidence, transporting it to the lab, and maintaining a properly documented chain of custody during each step. If you seize currency, follow agency procedure for counting and documenting the seizure. Be careful and use personal protective equipment when collecting and handling evidence in narcotics cases.

To establish probable cause for the possession of a controlled substance, document that the suspect possessed a certain substance, the substance was a controlled substance, and the suspect had knowledge of the presence of the substance. Chapter 893, F.S., provides information for the following definitions, standards and schedules, prescription drug monitoring, drug trafficking and paraphernalia, seizure and forfeiture, and rehabilitation.

Possession means to have personal charge of or exercise the right of ownership, management, or control over the thing possessed. Possession may be actual or constructive.

Actual possession means the controlled substance is in the hand of or on the suspect, or in a container in the hand of or on the suspect, or so close as to be within ready reach and is under the control of the suspect. Mere proximity to a controlled substance is not sufficient to establish possession over the substance when it is not in a place over which the suspect has control.

Constructive possession means the controlled substance is in a place over which the suspect has control, or in which the suspect has concealed it.

Joint possession means two or more suspects may jointly possess an article, exercising control over it. In that case, each of those suspects is in possession of that article.

If a suspect has exclusive possession of a controlled substance, infer or assume the suspect had knowledge of its presence. If a suspect does not have exclusive possession of a controlled substance, you may not infer or assume the suspect had knowledge of its presence.

Officers generally do not have to worry about what kind of possession applies in a particular case; this is an issue usually dealt with by a prosecutor. However, be aware that a person's presence in a room or building where there are drugs or other contraband does not necessarily mean the person has committed a crime.

To establish probable cause for the sale, purchase, manufacture, or possession of a controlled substance with intent, document the suspect sold, purchased, manufactured, delivered, or possessed the controlled substance with intent to sell, purchase, manufacture, or deliver a controlled substance. The substance was a controlled substance, and the suspect had knowledge of the presence of the substance.

Sell means to transfer or deliver something to another person in exchange for money or something of value or a promise of money or something of value.

Manufacture means the production, preparation, packaging, labeling or relabeling, propagation, compounding, cultivating, growing, conversion or processing of a controlled substance, either directly or indirectly. Manufacturing can be by extraction from substances of natural origin, or independently by means of chemical synthesis. It can also be by a combination of extraction and chemical synthesis.

Deliver or delivery means the actual, constructive, or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

The Florida Comprehensive Drug Abuse Prevention and Control Act

The Florida Comprehensive Drug Abuse Prevention and Control Act, chapter 893, F.S., places all substances regulated under existing federal law into one of five schedules. Schedule I is a substance, compound, or mixture that has a high potential for abuse and has no currently accepted medical use. Schedule V is the classification for a substance, compound, or mixture that has a low potential for abuse and has a currently accepted medical use, though abuse may lead to physical or psychological dependence.

Medicinal value, harmfulness, and the potential for abuse and addiction determine a substance's schedule. Florida Statutes outlines penalties for possession of different amounts of controlled substances. Historically, controlled substances' names and formulas change intermittently.

The mission of the Drug Enforcement Administration (DEA) in the U.S. Department of Justice is to enforce the controlled substances laws and regulations of the United States. The agency website contains pertinent information about the schedules of controlled substances, facts about commonly abused substances, color photos, methods of use, behavioral characteristics, signs and symptoms, and duration of effects. For more information, visit the DEA website at <http://www.justice.gov/dea/index.shtml>.

Prior to making an arrest for illicit drugs, conduct a presumptive field test of the substance according to agency policies and procedures.

Vice Crimes

Sometimes called "victimless crimes," vice crime activity includes offenses such as prostitution, gambling, alcohol and tobacco violations, and pornography. Vice investigations involve a lot of undercover work and develop information through intelligence, ranging from information gathering, both strategic and tactical, to informants and surveillance.

Alcohol and tobacco violations are vice crimes committed most frequently among people less than 21 years of age. Open house parties, open containers, disorderly intoxication, and selling alcohol or tobacco to minors are common offenses. You may respond to unlicensed establishments selling alcohol, moonshine operations, or places selling alcohol after hours.

Gambling offenses you may encounter include bolita (a numbers game popular especially in South Florida), dog or cock fighting, high stakes card games, off track betting, or craps games on the street.

Child pornography is illegal to produce, possess, or distribute. You are most likely to encounter a pornography case by responding to a call from the film-processing section of a retail store. If you encounter what appears to be child pornography on a computer, follow agency policies and procedures for further investigation of the matter. Under no circumstance should you touch the computer or attempt to find additional images on it. Recovery of computer data involves complex and highly specialized expertise and you may inadvertently eliminate or spoil evidence by trying to do it yourself.

Remember that sexual offenders and predators that are on probation or parole may not have any pornography in their possession, and are court ordered not to have a computer at all.

Prostitution is often associated with adult entertainment venues, massage parlors, escort services, and callouts. Street prostitutes tend to be located in particular geographical areas and truck stops. Prostitutes may be victims of human trafficking.

Organized Crime

There are four basic characteristics of an organized crime operation; it has a specific structure, usually hierarchical or paramilitary. The business has profit continuity; it has both criminal and legitimate businesses. It is monopolistic, or is a provider of a product or service in a particular market, and rarely shares areas of crime or territory with other groups. The loss of one source of income will not necessarily eliminate the business's bottom line. The higher echelon personnel of the organization are relatively immune from liability for their criminal behavior, or insulated. The business structure protects such individuals from infiltration by law enforcement and regulatory agencies. Members will attempt to intimidate or coerce witnesses and even people involved in law enforcement and prosecution.

Organized crime promotes public corruption, street crime, and gang activity and can have a significantly negative impact on the economy. Organized crime is often associated with gambling, loan sharking, narcotics, prostitution, human trafficking, extortion, pornography, white-collar crime, fencing, unions, corruption, numbers games, auto theft, drive-by shootings, adult entertainment, and money laundering.

Some of the methods law enforcement uses to combat organized crime are asset forfeiture, concentration on vice offenses, gathering intelligence information, inter-agency cooperation, and prosecution under the Racketeer Influenced and Corrupt Organization (RICO), chapter 895, F.S.

SECTION VOCABULARY

actual possession

constructive possession

deliver or delivery

joint possession

manufacture

possession

sell

UNIT 3 | CRIMES AGAINST PROPERTY

LESSON 1 | Trespassing and Burglary

OBJECTIVES

- LE731.1.** Determine if the incident is trespassing by applying elements of the Florida Statutes.
- LE731.2.** Provide examples of possible statutory enhancements associated with trespassing.
- LE731.3.** Describe the procedures for responding to an incident involving a violation of an archeological site.
- LE732.1.** Determine if the incident is burglary by applying elements of the Florida Statutes.
- LE732.2.** Provide examples of possible statutory enhancements associated with burglary.
- LE732.3.** Differentiate between a trespassing incident and a burglary according to the Florida Statutes.
- LE732.4.** Identify all points of egress during the initial survey of a scene when responding to a burglary.
- LE732.5.** Assist a victim of burglary by providing a victim rights brochure to include case number and agency contact information.
- LE732.6.** Recognize the types of tools a suspect may use to assist in committing a burglary according to the Florida Statutes.

LESSON GOAL: At the end of this lesson, you should be able to respond to an incident involving trespassing or burglary and determine the appropriate course of action and charges if necessary.

Trespassing

To establish probable cause for trespassing, document the suspect did both or one of the following:

- willfully entered or remained in a structure or conveyance and the structure or conveyance was in the lawful possession of the complainant. The suspect entering or remaining in the structure or conveyance was without authorization, license, or invitation by the complainant or any other person authorized to give that permission
- had been authorized, licensed, or invited to enter or remain in the structure or conveyance by the owner, lessee, or a person authorized by the owner or lessee of the premises warned the suspect to depart and the suspect refused to depart

It is lawful to enter or remain in a structure or conveyance of another if, under all the circumstances, a reasonable person would believe that he or she had the permission of the owner or occupant. The owner, lessee, or authorized person does not have to provide verbal authority to enter or remain in a structure or conveyance.

Person authorized means an owner or lessee, or his or her agent, or any law enforcement officer whose agency has received written authorization from the owner or lessee, or his or her agent, to communicate an order to depart the property in case of a threat to public safety or welfare.

Willfully means intentionally, knowingly, and purposely.

Structure means any building of any kind, either temporary or permanent, that has a roof over it, and the enclosed space of ground and outbuildings immediately surrounding that structure.

Conveyance means any motor vehicle, ship, vessel, railroad car, trailer, aircraft, or sleeping car; and to enter a conveyance includes taking apart any portion of the conveyance.

Chapter 810, F.S., outlines several elements of trespassing. Trespassing in a dwelling, structure, or conveyance occurs when the suspect, without authorization, willfully enters or remains in any dwelling, structure, or conveyance. Even if the owner or lessee

of the premises or a person authorized by the owner invites, authorizes, or licenses the suspect onto the property, then warns the suspect to depart, and the suspect refuses to go, the suspect commits the offense of trespassing in a dwelling, structure, or conveyance. If a suspect disregards the notice or communication by posting, fencing, or cultivation, or enters or remains with the intent to commit another offense, he or she commits the offense of trespassing.

A person can be guilty of trespassing on property other than a dwelling, structure, or conveyance if he or she willfully enters or remains on the property. Property can be curtilage, land, or a building immediately adjacent to a dwelling, structure, or conveyance, usually enclosed in some way by fence and/or shrubs, or unenclosed curtilage. Unenclosed curtilage can be land or grounds, and any outbuildings that are directly adjacent to and connected with the dwelling, structure, or conveyance. Unenclosed curtilage is necessary, convenient, and habitually used in connection with that dwelling, and is property other than the structure or conveyance. If the suspect disregards the notice or communication by posting, fencing, or cultivation, or enters or remains with the intent to commit an offense other than the offense of trespass, he or she commits the offense of trespassing.

Florida Statutes provides additional penalties for trespassing in chapter 810, F.S. Any person who does not have legitimate business on a school campus is trespassing. The suspect is trespassing if he or she has no authorization, license, or invitation to enter or remain upon school property. A student who is currently under suspension or expulsion, who enters or remains on the campus or any other facility the school owns, also commits a trespass upon the grounds of a school facility.

Trespassing on a designated, posted construction site is a felony. Launching a projectile (such as a firearm, bow, or crossbow) across someone else's land with the intent of taking or killing an animal is trespassing. Failure to leave or remaining on the premises after receiving a warning from or in the presence of law enforcement is trespassing.

Protecting Archaeological Sites

Archeology refers to the study of human cultures from around the world and through time by recovering and examining artifacts, such as graves, buildings, tools, and pottery. Artifacts are objects, or material evidence, removed from the ground the researchers study.

As values of artifacts and antiques on commercial and private markets have quickly increased, more archaeological sites are looted and vandalized.

Many jurisdictions include areas of state-owned or state-controlled land, on which archaeological sites are located. The federal government protects these sites under the Archaeological Resources Protection Act (ARPA, 1979) and the Native American Graves Protection and Repatriation Act (NAGPRA, 1990). Section 267.13(1)(a)-(c), F.S., addresses the protection of archaeological sites under state law.

Altering an archaeological site or artifact by means other than excavation, including removal, destruction, or effacement of property, is a violation of state-controlled land. Other forms of violations of archaeological sites on state-controlled land include excavating, damaging, defacing, altering, or removing property without a permit or counseling, soliciting, or employing others to do so. It is a misdemeanor to walk on an archeological site and remove an object; it is a felony to dig into the site to retrieve an object.

Become familiar with local archaeological sites, the tools and equipment, and people who normally work at those sites. Archaeologists and researchers commonly use shovels, picks, sifting screens, metal detectors, probing rods, brushes, large buckets, hoses, large shallow containers, and other excavation tools. They mark their work areas with ropes. During regular patrol of these sites, you may spot unusual and possibly illegal activity. Identify unfamiliar or suspicious people using equipment at a site at odd hours and request identification, credentials, and permits from them.

You may respond to a call concerning a violation of an archeological site and will need to assess the scene to determine if a crime was committed. If you believe a crime was committed, secure and protect the scene, notify a supervisor, and inform local, state, or federal park rangers of the incident and any recovered evidence.

A helpful resource for investigating the violation of state archeological lands is the FBI's National Stolen Art File. NSAF is a computerized index of stolen art, antiquities, and cultural property as reported to the FBI by U.S. and international law enforcement agencies. (For more information, visit http://www.fbi.gov/about-us/investigate/vc_majorthefts/arttheft/). Another source is the LOOT (Listing Of Outlaw Treachery) Clearinghouse. It lists prosecuted cases of looting and vandalism of archaeological resources. The Archaeology Assistance Division of the National Park Service (<http://www.cr.nps.gov>) maintains this computerized archival database.

Burglary

Document that the suspect entered a structure or conveyance owned by or in the possession of the complainant to establish probable cause for a burglary. At the time of entering the structure or conveyance, the suspect had the intent to commit an offense other than burglary or trespass in that structure or conveyance.

There are several different kinds or categories of burglars. Professional burglars commit only a few offenses yearly, have sophisticated knowledge of security systems, and target only residences or businesses with significant assets. Some burglars will travel across county lines in an attempt to prevent law enforcement from tracking the items stolen in the burglary. Juvenile burglars target schools, their own family or friends, authority figures, and tend to steal age-appropriate items. Juvenile burglars often commit vandalism and may set fires.

Drug addicts burglarize vehicles, homes, and businesses, looking for prescription or non-prescription drugs, illegal drugs, and anything of value that they can easily sell for drugs. The impulse burglar is opportunistic, capitalizing on easy targets. Other burglars have an interest in sexual gratification and focus on collecting trophies or mementos such as intimate articles of clothing located in bedrooms or bathrooms and typically leave body fluids or defecate on the scene.

Chapter 810, F.S., classifies burglaries according to the type of location entered, such as a dwelling, structure, or conveyance. Penalties are more severe for burglary of a dwelling than for a structure or conveyance. A structure is a building of any kind. A conveyance can be a vehicle, boat, or airplane. Burglars may use several methods of entry, such as entering through unlocked doors and windows or using a hidden key, removing hinge pins, breaking glass, or kicking in the door. Other techniques include prying or spreading a door or window frame, slipping, pulling, or picking the lock, or using a bump key, garage door opener, or electronic decoder for keyless entries.

Florida Statutes enhances the penalties for burglary, based on s. 810.02, F.S., in the following situations:

- If during the course of a burglary, the offender commits assault or battery
- If the offender enters a dwelling, structure, or conveyance and is armed, or becomes armed in the course of the burglary
- If the offender uses a vehicle as an instrument, other than merely as a getaway vehicle, to assist in committing the burglary, and causes damage to the dwelling, structure, or property, and
- If the offender causes damage to the dwelling or structure, or to the property within the structure in excess of \$1,000

Trespassing and burglary are similar, yet different, and can be confusing. Trespassing involves being somewhere that you do not own and without the permission of the owner. The difference with burglary is that you are somewhere that you do not own and without the permission of the owner; however, the intent of being there is different. The intent for being there is to commit another crime, such as theft.

Course of Action

Burglary is one of the most frequent crimes that you will investigate. Upon arrival at the scene of a burglary incident, obtain a general statement from the victim and immediately search the scene by conducting a walk-through with the victim. Tell the victim how important it is to preserve evidence and process the crime scene according to agency policies and procedures.

Determine the entry and exit points the burglar used and note any disturbed areas and possible evidence for processing. Obtain detailed information from the victim, such as the description of items taken and the timeframe during which the incident may have occurred.

Provide the victim with a case number, the primary officer's name, explain the follow-up procedures, and possibly give some crime prevention advice. Be careful not to minimize the impact this crime may have on the victim by giving examples of more serious burglaries.

Burglary Tools

According to s. 810.06, F.S., to establish probable cause for possession of ***burglary tools***, document the suspect intended to commit a burglary or trespass and had in his or her possession a tool, machine, or implement that he or she intended to use or allowed someone to use in the commission of burglary or trespass. The suspect did some obvious act toward the commission of a burglary or trespass. Burglary tools may include screwdrivers, pliers and wrenches, pry bars, or spark plugs, but can also be anything used to gain entry during a burglary such as a rock or concrete block.

SECTION VOCABULARY

burglary tools

person authorized

UNIT 3 | CRIMES AGAINST PROPERTY

LESSON 2 | Criminal Mischief

OBJECTIVES

LE733.1. Determine if the incident is criminal mischief by applying elements of the Florida Statutes.

LE733.2. Differentiate between misdemeanor and felony criminal mischief according to the Florida Statutes.

LE733.3. Provide examples of possible statutory enhancements associated with a criminal mischief incident.

LESSON GOAL: At the end of this lesson, you should be able to respond to an incident involving criminal mischief and determine the appropriate course of action and charges if necessary.

Elements of Criminal Mischief

To establish probable cause for criminal mischief, document the suspect injured or damaged real or personal property that belonged to the complainant and the suspect willfully and maliciously caused the injury or damage.

Criminal mischief, as outlined in s. 806.13, F.S., is a willful, malicious crime where the offender injures or damages property belonging to another. Injury or damage can include the placement of graffiti or the commission of other acts of vandalism.

Misdemeanor and Felony Criminal Mischief

Florida Statutes clearly outlines enhancements and penalties for criminal mischief based upon several factors to include value and age of the offender. Criminal mischief is a second-degree misdemeanor if the property damage is less than \$200 and a first-degree misdemeanor if the damage is greater than \$200 but less than \$1,000. If the value of property damaged totals \$1,000 or more, the crime is a third-degree felony. If the suspect has one or more prior convictions for criminal mischief, the court will provide punishment for a subsequent offense as a felony, regardless of the amount of damage.

A person who willfully and maliciously defaces, injures, or damages a sexually violent predator detention or commitment facility is guilty of a third-degree felony. Any person who willfully and maliciously damages any place of worship or religious article is guilty of a third-degree felony if the damage is over \$200.

Interruption or impairment of a business operation or public communication, transportation, water, gas or power supply, or other public service that costs \$1,000 or more in labor and supplies to restore, is a third-degree felony.

UNIT 3 | CRIMES AGAINST PROPERTY

LESSON 3 | Theft

LESSON GOAL: At the end of this lesson, you should be able to respond to an incident involving theft and determine the appropriate course of action and charges if necessary.

Theft

Theft, defined in s. 812.014, F.S., is knowingly obtaining, using, or endeavoring to obtain or use property of another with intent to deprive, temporarily or permanently, the other person of the use of the property.

When establishing probable cause for theft, document that the suspect knowingly and unlawfully obtained or used, or endeavored to obtain or to use the property of the victim, doing it intentionally to temporarily or permanently deprive the victim of his or her right to the property or any benefit from it. The suspect takes the property of the victim for his or her own use or the use of any person not entitled to it.

The victim in a theft case can provide information helpful to the investigation, such as a thorough description of the property taken including unique characteristics or serial numbers. The victim can also tell you the value of the item and the last time and location the victim saw it. The victim may also know who discovered the item was missing and whether any witnesses were present at the time of the theft.

There are two types of theft victims—businesses and individuals. Theft from individuals may involve pick pocketing, purse snatching, confidence games, auto theft, or taking personal property from homes, businesses, or vehicles.

Section 812.014, F.S., outlines the different types of theft based upon several factors, including the value of the stolen property. A business can be a theft victim through shoplifting, embezzlement, skimming from cash registers or petty cash, smash-and-grab attacks, hijacking of delivery trucks or their cargo, quick-change artists or theft of agriculture, services, or construction site materials.

Retail theft involves taking possession of or carrying away merchandise, money, or negotiable instruments; or altering or removing a label or price tag; or transferring merchandise from one container to another of lower price or removal of a shopping cart with intent to deprive the merchant of possession, use, benefit, or full retail value. You can arrest an individual for retail theft without a warrant even when the offense is not committed in your presence.

OBJECTIVES

LE734.1. Differentiate between retail, petit, grand, and motor vehicle theft according to the Florida Statutes.

LE734.2. Determine if the incident is theft by applying elements of the Florida Statutes.

LE734.3. Recognize the elements of dealing in stolen property according to the Florida Statutes.

LE734.4. Recognize the elements of defrauding an innkeeper according to the Florida Statutes.

LE734.5. Assist a victim of theft by providing a victim rights brochure to include case number and agency contact information.

If the value of property taken during a retail theft is less than \$300, the offense is a misdemeanor. ***Petit theft*** is taking something valued at less than \$300. Petit theft is a misdemeanor; however, if the suspect has a third conviction for petit theft, the court provides punishment for a third-degree felony.

Grand theft involves the theft of anything with a value of \$300 or more and other items specified by statute regardless of their value. For example, theft of a will, codicil, or other testamentary instrument, a firearm, motor vehicle, stop sign, or fire extinguisher is grand theft. Motor vehicles are self-propelled vehicles not operated upon rails or a guide-way, and do not include bicycles, motorized scooters without a seat, electric personal assistive mobility devices, or mopeds. Grand theft can also involve theft of any commercially farmed animal or fish, 2,000 or more individual pieces of citrus fruit, items taken from a designated construction site identified by the posting of a sign, and anhydrous ammonia, used in methamphetamine production. Theft of property, funds, or assets may be reclassified to a higher degree if the victim was a person 65 years of age or older.

Motor Vehicle Theft

There are some situations when a person may report a vehicle as stolen when in fact another family member took it or a company towed it for repossession. The complainant may just be mistaken about where he or she parked the vehicle. Sometimes during a domestic dispute involving separated or divorced parties, one of the parties may take a vehicle. This may be a civil matter resolved by a divorce judge. Look to your agency policies and procedures for dealing with such situations. Exercise caution in cases where the complainant and suspect both claim a right to the vehicle. Sources of information regarding stolen vehicles include used car lot or parking lot operators, repair garages or body shops, insurance companies, service station attendants, and informants.

Stolen vehicles may have broken side and vent windows, a poorly attached license plate, or missing, scratched, or punched door locks. Someone may have punched out a hole below the door lock, punched out the ignition, or damaged the steering column. Assume that a person, in possession of a vehicle in which someone has bypassed the ignition or steering wheel locking mechanisms, knows they are driving a stolen vehicle. During a traffic stop, if you encounter a driver who acts jumpy or paranoid, it may be because he or she is driving a stolen vehicle.

If you suspect that an incident involves a stolen vehicle, check the vehicle identification number (VIN). Circumstances will dictate if you allow the occupant to stay in the vehicle or you tell them to leave the vehicle for your safety during this process. Ultimately, you would want to have a backup officer on the scene if available. For officer safety reasons, if you are the officer in control of this situation, you may not want to allow the suspect to reach into glove compartment or trunk before you have legally searched the vehicle for weapons. During such a contact, you would not necessarily want to allow the suspect to enter a building alone to get documents to prove ownership, walk away, or drive the vehicle to a garage or gas station.

Vehicles can be identified by the license tag number, engine number, vehicle identification number (VIN), hidden number or component part numbers, or other identifying characteristics. The VIN plate on most domestic and foreign cars is on the driver's side dashboard, easily seen through the windshield or on the driver's side doorjamb.

Quickly give dispatch information about serialized property reported stolen to enter into FCIC/NCIC. This is particularly important with stolen vehicles and firearms. The FCIC/NCIC system, the National Insurance

Crime Bureau (NICB), and the Driver and Vehicle Information Database (DAVID) are sources of information regarding stolen vehicles. If you recover a stolen vehicle, promptly notify dispatch so that dispatch can report the recovery to FCIC/NCIC as well as to the owner of the vehicle.

Dealing in Stolen Property

To establish probable cause for dealing in stolen property, document that the suspect trafficked in or endeavored to traffic in property the suspect knew or should have known was stolen. Dealing in stolen property, also known as fencing, is a second-degree felony in Florida. If the sale price for property is substantially below the fair market value, either the seller or buyer or both may be guilty of dealing in stolen property. People dealing in stolen property sometimes do so under false names. Section 812.022, F.S., states that showing false identification in connection with leasing property or failing to return leased property within 72 hours of the end of the lease agreement, without a reasonable explanation, may mean the suspect stole the property. Common stolen items that a suspect sells can be metals, electronics, jewelry, and firearms.

If the suspect resists your reasonable efforts to recover property that you have probable cause to believe is stolen property, charge the suspect with resisting.

Theft of Services

As outlined in s. 509.151, F.S., ordering and eating a meal in a restaurant or occupying a room in a public lodging establishment, and then refusing to pay, is the crime of defrauding an innkeeper or theft of services by failure to pay. Theft of property belonging to a guest of an establishment or theft of property belonging to the establishment by an employee is a third-degree felony. The operator of the facility or a law enforcement officer with probable cause may take such a person into custody in a reasonable manner and for a reasonable amount of time for recovering the value of the property or for prosecution.

If the business operator takes the offender into custody, the operator should call a law enforcement officer to the scene immediately. When the operator and the officer follow the provisions of this statute, the court cannot hold either criminally or civilly liable for false arrest, false imprisonment, or unlawful detention.

Provide the victim with a case number, the primary officer's name, explain the follow-up procedures, and possibly give some crime prevention advice. Be careful not to minimize the impact this crime may have on the victim by giving examples of more serious thefts.

SECTION VOCABULARY

grand theft

petit theft

retail theft

theft

UNIT 3 | CRIMES AGAINST PROPERTY

LESSON 4 | Lost, Stolen, or Found Property

OBJECTIVES

LE298.1. Determine if lost, stolen, or found property has identifying information by examining it thoroughly.

LE298.2. Determine if someone reported the property lost or stolen by conducting data searches using identifying information.

LE298.3. Process lost or stolen property according to agency policies and procedures.

LE298.4. Return stolen property to the owner if appropriate and according to agency policies and procedures.

LE298.5. Process found property according to agency policies and procedures.

LESSON GOAL: At the end of this lesson, you should be able to respond to an incident involving lost, stolen, or found property and determine the appropriate course of action and charges if necessary.

While on patrol, you may be required to process lost, stolen, or found property. A victim of a burglary could find his or her stolen property at a pawnshop, a person might call about a lost cell phone, or someone may turn in prescription drugs or a valuable object to law enforcement. General guidelines for responding to these types of incidents are below; however, follow your agency policies and procedures.

Lost Property

Common reports initiated for lost property are about cell phones, driver's license, credit cards, Social Security cards, medication, any insurance-related claim, or any loss due to a natural disaster. Take a general information report to document the incident. Get a description of the property and an estimate of the lost value. Precise descriptions of lost property are important for later identification and recovery. Note the unique distinguishing identifiers such as scratches or unique parts to help identify the property. Record the serial numbers and owner-applied numbers in your report. Conduct an FCIC/NCIC database search, and a local system search that will search local pawnshops for recovered property.

The complainant will receive some type of case number. Lost property may turn into stolen property.

Stolen Property

You may come across stolen property on routine patrol, traffic stops, arrests, or from a concerned citizen. Upon receiving stolen property, process the property by:

- conducting an FCIC/NCIC and local database search to verify you have stolen property
- after verifying you have stolen property, requesting the entering agency to remove the item from the database
- attempting to identify the owner and/or the original case report to add a supplemental report
- photographing the item
- processing the item for physical evidence to include latent prints and touch DNA
- returning the item to the owner if there is no forensic value

- submitting the item as evidence if you cannot locate the owner or if there is forensic value
- forwarding any suspect or item identification to the appropriate department in your agency for a follow-up investigation

You may encounter victims who recognize their stolen property in a pawnshop. Obtain the information of the person who pawned the item. Follow the above steps; however, you can put a hold on the item at the pawnshop, seize it as evidence, or in many cases, the victim may purchase it back from the second-hand dealer.

Found Property

Found property may be stolen, lost, or abandoned property. Inventory the items, complete a property/receipt form, and give the items to the property clerk for storage or destruction. Take all the necessary steps to identify the owner or determine if the items are evidence of a crime. If you can identify the owner and the property is not evidence, attempt to return the property according to agency policy and procedures. If you determine what you have is stolen property, refer to the information under stolen property above. If you are unable to determine the owner of the item, enter the item into FCIC/NCIC as recovered property. You must do this for any item that contains a serial number, such as a firearm and a vehicle.

UNIT 3 | CRIMES AGAINST PROPERTY

LESSON 5 | Fire-Related Crimes

OBJECTIVES

LE737.1. Explain the limited role of law enforcement associated with a fire-related crime.

LE737.2. Determine if the elements of a false alarm offense are present when conducting an initial investigation for a fire-related crime.

LE737.3. Provide examples of possible statutory enhancements associated with a false alarm of a fire.

LE737.4. Determine if the incident is a fire-related crime by applying elements of the Florida Statutes.

LESSON GOAL: At the end of this lesson, you should be able to respond to an incident involving a fire-related crime and determine the appropriate course of action and charges if necessary.

If you arrive at the scene of an incident and see a fire, notify dispatch immediately and request assistance. It is critical to respond quickly to fires, particularly in nursing homes, schools, churches, stores, and apartments. Occupants in the surrounding area may need to evacuate. Contact a supervisor and follow agency procedure when considering evacuations. The primary responsibility of an officer after the arrival of fire department personnel is to assist the fire fighters and the fire marshal in their investigation and to maintain crowd and traffic control.

Securing the scene of a fire investigation is very important. Investigating suspicious fires is extremely difficult due to the lack of witnesses to most fires and the fact that the fire burns much of the evidence. Occasionally, a fire is set as a technique to distract law enforcement authorities' attention away from the location of other crimes.

Occasionally, you may respond to a false alarm of a fire. Section 806.101, F.S., states that anyone who, without reasonable cause, makes a false alarm of fire is guilty of a misdemeanor for the first conviction and a felony for any subsequent convictions. Any later convictions of making a false alarm of a fire will constitute a third-degree felony.

You may also encounter someone who possesses, manufactures, transports, or disposes of a firebomb with intent to cause damage willfully and unlawfully by fire or explosion to a structure or property, in violation of s. 806.111, F.S. This statute defines a firebomb as a container filled with flammable, combustible liquid or an incendiary chemical mixture, with a wick or other means of causing ignition. This definition does not include commercially manufactured devices used for illumination, heating, or cooking. Local gang activity, organized crime, terrorist activity, and hate crimes are often enacted using firebombs to commit crimes.

UNIT 4 | ECONOMIC CRIMES

LESSON 1 | White Collar Crimes

LESSON GOAL: At the end of this lesson, you should be able to respond to an incident involving white-collar crime and determine the appropriate course of action and charges if necessary.

Fraud

Fraud is theft by deception. Different forms of fraud can include confidence games, such as the “pigeon drop,” the bank examiner swindle, three card Monte, and shell games. Con artists often use a conversational approach, offering something for nothing, thus appealing to the greed or financial hardship of the target. Often the goal is to get the victim to show his or her money physically. Con artists practicing these types of fraudulent games try to make their deals and leave the area quickly. Obtaining information from the victim and passing it on to other officers as soon as possible is critical. Victims can provide information such as the places frequented during contact with the con artist, a description of the vehicle the con artist used, any names used by the con artist during their conversations, and a complete physical description of the con artist. Traveling bands of individuals who prey on elderly people by selling home repairs or driveway sealants commit similar fraudulent transactions. These individuals do not perform the repairs and the sealant washes off with the first rain.

Other types of fraud include bank kiting or floating checks between banks, and insurance and telemarketing fraud, which often target the elderly via the phone, mail, or internet. Phishing uses fake websites that mirror legitimate business sites in order to obtain personal and financial information from unwitting victims. Suspects use this information to steal the identities, bank accounts, or credit availability from the victims.

Suspects will also fraudulently obtain and use bankcards (debit or credit cards) through falsified applications, burglary, theft, or robbery. A dishonest store employee can skim a bankcard or keep a card forgotten by a customer.

A thief can also solicit a bankcard number by calling unaware victims or by retrieving information on hotel room key cards.

The primary victim and complainant for most bankcard offenses is the issuing bankcard company. Additional victims may include the store or business where the bankcard was fraudulently used and the person whose name was forged on the bankcard, draft, or receipt. The largest growing sector of bankcard fraud is counterfeit credit cards.

Credit card fraud is the unlawful use of a credit card to obtain property, goods, or services. According to s. 817.481, F.S., this includes unlawful or unauthorized use

OBJECTIVES

LE735.1. Differentiate between the types of white-collar crimes that can be present when responding to any incident.

LE735.2. Define credit card fraud according to the Florida Statutes.

LE735.3. Differentiate between forgery and uttering according to the Florida Statutes.

LE735.4. Define check fraud according to the Florida Statutes.

LE735.5. Describe the professions that are likely to commit embezzlement and the officer's role in investigating these types of crimes.

LE735.6. Define computer crime according to the Florida Statutes.

LE735.7. Define identity theft according to the Florida Statutes.

of information to obtain credit by the use of any false, fictitious, revoked or expired credit card, telephone number, credit number, or other credit device, or by using any credit card or telephone numbers without the owner's authority.

Forgery

According to s. 831.01 and s. 831.02, F.S., there are two aspects of forgery: forgery and uttering a false instrument. **Forgery** is altering, forging, or counterfeiting a public record, certificate, legal document, bill of exchange or promissory note, etc., with intent to injure or defraud someone. **Uttering** is knowingly exhibiting or publishing a document to someone or attempting to cash a check by claiming the check and the endorsement is real. Uttering a false, forged, or altered record, deed, or other instrument with the intent to injure or defraud someone is a third-degree felony under Florida law. The most common types of forgery law enforcement officers encounter are forgery of the signature or endorsement on a check, use of a fictitious name, forgery by alteration, and check washing.

Follow basic investigative procedures in a forgery case. Do not make any marks on the documents and do not fold, bend, staple, or attach paper clips. Place documents in envelopes or clear plastic bags and photograph or photocopy all documents as soon as possible.

Passing Worthless Checks or Payment Instruments

Section 832.05, F.S., outlines the elements of passing worthless checks, drafts, and debit card orders. When an unauthorized person signs a check, that check is a forged check. A worthless check is signed by the account holder, but written on an account in which there are insufficient funds to pay the amount of the check. A worthless check charge requires proof that a suspect issued a check to a payee for goods or services and the issuer of the check knew there was not sufficient money on deposit in the bank to pay the check.

There is no crime if the account holder did not know that there were insufficient funds to pay the check when he or she issued the check. Each state attorney's office has specific guidelines and requirements about the prosecution of worthless check cases. Review your agency policies and procedures when handling these cases. A worthless check offense is a misdemeanor unless the amount of the check was \$150 or more, which makes the crime a third-degree felony.

Embezzlement

A person who wrongfully takes money or other property entrusted to him or her for safekeeping and uses it for his or her own personal gain is guilty of **embezzlement**, a form of theft. Embezzlement is a misdemeanor or felony depending upon the value of the property stolen.

Certain professions are conducive to embezzlement, such as bail bondsmen, cashiers, bank tellers, clerks, bookkeepers, real estate brokers, investment advisors, treasurers, financial trustees, lawyers, accountants, and public officials. Many embezzlers intend only to borrow the money temporarily to help them with a personal cash shortage and plan eventually to return it. Others feel unfairly compensated or mistreated by their employers and use embezzlement as a means to compensate. Embezzlers sometimes steal to support drug or gambling habits. You may take the initial complaint for this type of incident; however, an economic crime investigator commonly investigates embezzlement.

Computer Crimes

The Florida Computer Crimes Act or chapter 815, F.S., outlines the definitions and elements of computer-related crimes. Computers facilitate all sorts of crimes, and individuals are constantly devising new methods to use this technology to commit crimes. Email-facilitated crimes include phishing, fraud, cyber-stalking, threats, and harassment. Internet fraud is any type of scheme that uses email, websites, chat rooms, or message boards to solicit victims, conduct fraudulent transactions, or launder the proceeds of fraud. Some of the ever-increasing types of internet fraud include the following:

- internet auction fraud
- non-delivery of merchandise or services
- Nigerian scams
- lottery scams
- bankcard fraud
- identity theft
- email scams
- business fraud (get rich quick schemes)
- investment fraud

Identity Theft

As outlined in s. 817.568, F.S., identity theft is the unlawful use of a person's identifying information such as a Social Security number, official state-issued or United States-issued driver license or identification number, alien registration number, government passport number, employer or taxpayer identification number, Medicaid or food assistance account number, bank account number, credit or debit card number or medical records to obtain credit, loans, acquire services, establish or take over accounts and commit crimes in the victim's name.

To establish probable cause for fraudulent use or possession of personal identification information, document the suspect willfully and without authorization, fraudulently used, or possessed with intent to use fraudulently, personal identification information concerning the victim. The suspect did so without first obtaining the consent of the victim.

Fraudulently means purposely or intentionally suppressing the truth or perpetrating a deception or both.

Authorization means empowerment, permission, or competence to act.

Personal identification information means any name or number the suspect may use alone, or in conjunction with any other information, to identify a specific individual, including:

- postal or email address
- telephone number
- Social Security number
- date of birth

SECTION VOCABULARY*authorization*

- mother's maiden name
- official state or United States issued driver's license or identification number
- alien registration number
- government passport number
- employer or taxpayer's identification number
- Medicaid or food stamp account number
- bank account number
- credit or debit card number, personal identification number, or code assigned to the holder of a debit card by the issuer to permit authorized use of such card
- unique biometric data such as finger, palm, or foot print, voice patterns, facial images, retina or iris image, or other unique physical representation
- unique electronic identification number, address, or routing code
- medical record
- telecommunication identifying information or access device
- other number or information that can be used to access a person's financial resources

*embezzlement**forgery**fraudulently**uttering*

CHAPTER 8

Crime Scene to Courtroom

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Upon arriving at an incident or crime scene, an officer will take a sequence of steps to protect all parties: gather information; identify, separate, and interview subjects; and complete the initial investigation successfully. The single most significant part of the initial stage of a criminal investigation is the processing of the crime scene. Identify types of evidence that might be present at a scene, based on an evaluation of the incident or type of crime. Know when and how to get help in searching the scene. The first priority is to secure, protect, and preserve the scene to avoid contaminating the evidence. The second priority must be to search for, identify, document, collect, and maintain the physical evidence, or the prosecution of the suspect may be in jeopardy.

Victims and witnesses must be located, identified, and separated to obtain detailed information about what happened. Identify and arrest the offender if he or she is on the scene. If the offender has fled, initiate a Be On the Look Out (BOLO). Often, law enforcement officers think that the arrest is the end of their participation in a criminal case; however, an arrest is only a suspect's entrance into the criminal justice system. Officers remain an integral part of the prosecution process until the case is resolved through entry of a plea, a conviction, or an acquittal after trial.

UNIT 1 | PROCESS THE CRIME SCENE

LESSON 1 | Secure and Protect the Crime Scene

OBJECTIVES

- LE162.1.** Differentiate between testimonial evidence and physical evidence found at the crime scene.
- LE162.2.** Determine specific information regarding the crime scene that you need from dispatch prior to arrival.
- LE162.3.** Assess the crime scene to determine if it is life threatening and presents officer safety issues.
- LE162.4.** Assess the crime scene to determine the probable extent, size, and scope of the scene when securing the crime scene.
- LE162.5.** Determine a single point of entry and exit for authorized personnel when protecting a crime scene.
- LE162.6.** Determine how to use uniformed personnel, crime scene tape, and natural barriers to protect a crime scene.
- LE162.7.** Determine the legal authority to secure and protect a crime scene based upon the Fourth Amendment.
- LE162.8.** Immediately create a crime scene log when protecting a crime scene.
- LE162.9.** Determine when to relinquish the crime scene to authorized personnel according to agency policies and procedures.

LESSON GOAL: At the end of this lesson, you should be able to secure and protect a crime scene.

Respond to a Crime Scene

The actions of the first responding officer on the scene have a significant impact on the success of an investigation. A protected, well-managed crime scene allows for the presentation of credible evidence in court that can establish the guilt or innocence of a suspect.

Evidence is anything that tends to prove or disprove an alleged fact. You will collect two types of evidence at a crime scene. Testimonial evidence is evidence gathered from witnesses, while physical evidence consists of objects or perishable evidence such as fingerprints, blood, or tire tracks. Testimonial evidence is generally less reliable than physical evidence because people perceive events differently, do not remember accurately, or lie. When you correctly identify, protect, collect, preserve, transport, and analyze the physical evidence, it cannot deliver false results.

An investigation occurs when you make detailed and systematic inquiries or observations. This process begins upon your arrival at the scene of a reported crime and usually ends when you file the initial report, turn the matter over to a detective or investigator, or testify in court.

In responding to a potential crime scene, you will receive pertinent information regarding the incident from the 911 dispatch (also known as the public safety telecommunicator). This will identify the nature and location of the alleged crime, as well as the complainant's name and relationship to the crime scene location. Dispatch may also inform you if someone is injured. While driving to the scene, formulate some key questions that will help you assess the situation adequately:

- What is the location?
- Are any weapons involved?
- Has the complainant indicated the suspect's location?
- How many individuals are involved?
- How many officers are necessary to safely contain or control the situation?
- Do you need additional services?
- Do you need special equipment?
- Are any special concerns or dangers associated with the call?

Secure the Crime Scene

After finding the incident's location, address officer safety concerns and any victim or witness injuries, and secure the potential crime scene(s). Look for sources of information about, and evidence of, the crime when securing a crime scene. The size of the crime scene depends on the type of crime, the type of evidence, and the location of the evidence. Use personal observations and statements from victims and witnesses to assist in determining the extent of a crime scene. Crime scene perimeters should be larger rather than smaller.

It is easier to reduce the size of a perimeter than to enlarge it. A larger crime scene also helps keep crowds away from the evidence.

Attempt to locate and identify the point of the suspect's entry to and exit from the crime scene by visually inspecting the scene. Evidence of entry or exit might include broken glass or pry marks around doorways. Identify the pieces of evidence furthest from the center of the crime scene. Once a survey of the area is completed, a supervisor or investigator assigned to the case may decide to adjust the original boundaries or perimeter of the crime scene, based on the size and the type of structure or property they are searching. Establish boundaries for the crime scene and guard against unnecessary entrance by cordoning off the area with crime scene tape.

Protect the Crime Scene

Once the crime scene perimeter is established, do not allow any unauthorized removal or alteration of any evidence. Alert officers will help protect the scene and the evidence it contains from unnecessary intrusion or handling. Always be aware of potential threats to the crime scene area. Curious unauthorized people can damage, contaminate, or destroy evidence at a scene. Do not allow them to enter the secured crime scene area. Officer safety is at risk by the entry of unauthorized people into a scene. Prevent intrusion by anyone who approaches the crime scene perimeter by using verbal commands and directions to enforce the perimeter. Instruct people to move behind the crime scene tape, advising that refusal may result in arrest. You have the authority to arrest any individual who, after receiving a warning, crosses an area marked by crime scene tape.

Protect the crime scene until you can photograph and document it. Different crime scenes may require different methods of protecting the evidence they contain. Recognizing threats to the evidence will determine the appropriate method of protection. For example, in the case of an outdoor crime scene involving degradable, easily destroyed, biological, or trace evidence, protect the evidence from weather elements such as rain, hail, lightning, or wind. The same evidence located inside a temperature-controlled house would not require the same level of protection. Once you determine the nature of the scene and the type of crime you are investigating, you can decide how best to protect the scene.

Prior to entering the crime scene to process evidence, determine if the scene location is public or private property. Public property is for the use and enjoyment of the public and is open to the public. Private property belongs to an individual and is not open to the public.

A person occupying private property has an expectation of privacy that no one can violate without a search warrant or a valid exception to the warrant requirement. There is no crime scene exception to the Fourth Amendment search warrant requirement.

SECTION VOCABULARY***crime scene log******evidence***

The primary officer or investigator will designate one point of entry and exit for the crime scene, and will assign an officer to maintain a crime scene log at that location. If the investigator designates more than one point of entry or exit, he or she will assign an officer to each location and notify all officers to use the access point(s). Officers not assigned to the crime scene do not have access just because they are law enforcement officers. The officer posted at the access point must document these details in the crime scene log: the name, rank, and agency of each person entering or leaving the scene, the date and time of the person's entry or exit, and the reason the person was at the scene.

The ***crime scene log*** provides proof of security and validates the evidence collected at a crime scene. If evidence is contaminated or altered in any way, document the incident in the contamination list or your report. Include information about the original condition of the evidence and the events leading to its damage or destruction.

The supervisor or investigator will usually coordinate duties such as evidence collection, securing the scene perimeter, and other assignments. They will also assign shifts for officers, taking weather and staffing limitations into consideration. The size and type of search dictates the number and type of personnel or resources needed for crime scene processing. Agency policies, procedures, jurisdiction, and available resources will also factor into how to proceed. Larger agencies have specialized crime scene units that can process the scene and collect evidence. Other agencies require responding officers to process scenes or, in serious cases, agencies may call for outside assistance, such as the FDLE's crime scene personnel. The responding officer's supervisor will make the decision to request crime scene or investigative assistance.

UNIT 1 | PROCESS THE CRIME SCENE

LESSON 2 | Secure Victims, Witnesses, and Suspects

LESSON GOAL: At the end of this lesson, you should be able to secure victims, witnesses, and suspects at a crime scene.

Identify People on the Scene

At the scene of an incident, you must identify all parties involved, including complainants, victims, suspects, and witnesses. A complainant is a person who alleges that a crime has been committed or can be the person who calls the police. A victim is a person harmed by a crime. A suspect is a person believed to have committed a crime or offense. A witness is a person who sees, knows, or vouches for something and may make a sworn statement about that information. The same person can belong to more than one category. For example, the victim may also be the complainant, or a person initially identified as a witness may become a suspect as the investigation progresses.

When establishing which people may have information, ask those present where they were and how they were involved in the incident. Determine their degrees of direct or indirect involvement and the role each person played in the incident. You may not have the time or the resources to question all subjects at the scene; determine who has the most information and knowledge of the incident. Ask the victim or the complainant who was present during the crime or event to name any potential witnesses of the incident. In addition, ask any witnesses if anyone else was involved. Ask what those additional people's roles were. This will also help validate individual statements.

In your field notes, document all witnesses, victims, complainants, and suspects present by writing their names, dates of birth, addresses, sexes, races, and telephone numbers. Ask vital witnesses to stay at the scene for interviewing. Witnesses are often hesitant to get involved. They like to stay around for the excitement but will often try to leave or remain in the background when police attempt to ask them questions concerning their knowledge of the event.

Separate Involved Parties

It is extremely important to keep victims, complainants, and witnesses separated in a criminal investigation. Do not allow the involved parties to talk to each other.

Blocking such communication prevents them from discussing the incident and coordinating their accounts of what happened. Place them in separate locations, near the crime scene area but in a place that poses no risk of contaminating evidence. Preferably, place them far enough apart so that they cannot hear or see each other. If separate rooms are not available, involved parties can be isolated within one large room

OBJECTIVES

LE162.10. Determine whom to question about the crime scene in order to gather initial information about the incident.

LE162.11. Direct victims, witnesses, and suspects to a safe, separate location when securing a crime scene.

LE162.12. Gather information related to injuries sustained at the crime scene.

LE162.13. Report actions taken to secure the crime scene by briefing the chain of command.

by placing them on opposite sides of the room with their backs to each other. Ensure that there is enough distance between them so that they cannot have physical contact with each other. Another possible controlled area is inside a patrol car. However, due to space limitations only place one person in each car. If necessary, another officer can stay with each person to ensure control and safety.

Separating involved parties will help each of them focus on what they saw or heard, better maintaining the integrity of their statements. Multiple witnesses who have viewed or experienced the same event never recall the same details. A witness overhearing another person describe the same event may be tempted, even unconsciously, to reiterate the other witness' version of the crime. Working together, they may come up with accounts that differ from the facts.

Some involved parties may try to intimidate others into giving you false information. Ensure that while victims or witnesses are giving statements, no one can intimidate them visually or verbally. If a suspect or another witness attempts to coerce or interfere with another witness' statement, you may need to remove one or more people from the scene.

Some involved parties may have an unknown motive to mislead officers. They may want to help the suspect by diverting any possible evidence of involvement away from them. People who feel intimidated by you or others may say little or nothing so that they can leave the scene quickly. Involved parties may also try to pass evidence, such as a weapon or contraband, to each other in order to hide it.

Separating family members during a crisis might make a bad situation even worse. In such cases, use your best judgment in assessing whether separation is necessary. In a child abuse incident, for example, separation of certain family members from each other may be unavoidable or may not be appropriate.

Tell all involved parties not to discuss the incident until after their interview is completed.

Determine if you will be interviewing the involved parties or if your agency policies and procedures or supervisor dictates who will conduct the interviews. If an interviewee is suffering from physical or mental trauma, make a note to interview this person later when he or she has recovered. For safety reasons, always maintain visual contact with victims, witnesses, complainants, and suspects.

Injured People

When there are injured people at the scene, responding officers have additional responsibilities such as providing first aid. If the victim does not require immediate first aid, ask direct, fundamental questions about how the victim sustained the injury, such as the following:

- Who hit you?
- What did the suspect use to hit you?
- When were you hit?
- Where were you hit?
- Where were you standing when being hit?
- How were you hit?
- Why were you hit?

View the victim's injuries and record detailed observations in the field notes, keeping in mind that you will use these notes to create reports and refresh your recollection when testifying. Note whether the information the victim provides appears to be consistent with the injuries and evidence at the scene. Checking for such consistency requires noting specific information regarding the location, size, and type of injury. Tell the victim to notify law enforcement for further documentation if bruising intensifies. Record the names of medical personnel who provide services to the victim, because the court may call any of them as a witness.

Brief Chain of Command

Share information with your supervisor or investigator to include the following:

- when the incident occurred
- how the incident occurred
- where the incident occurred
- all evidence gathered or specific items that are still the focus of a search
- descriptions of all property involved in the incident (obtained from complainants, victims, or witnesses who can identify the property)
- names and descriptions of victims, witnesses, and possible suspects
- description of the suspect's vehicle, if applicable and if known
- special concerns on the scene such as biohazards, a hostile crowd, at-large suspects, and severe injuries
- how the scene is being handled and protected
- the scene's boundaries and protection measures
- plan for the continued investigation of the incident and the search for evidence
- identity of the public information officer who is communicating with the media (When dealing with the media or designating an assigned authorized spokesperson on the scene, refer to agency policies and procedures.)

UNIT 1 | PROCESS THE CRIME SCENE

LESSON 3 | Document the Crime Scene

OBJECTIVES

- LE114.1.** Use the appropriate photographic equipment to document the crime scene according to agency policies and procedures.
- LE114.2.** Determine when to photograph the crime scene to document the evidence.
- LE114.3.** Assess the crime scene to determine what items to photograph within the scene to include perishable, transitory, or fragile evidence.
- LE114.4.** Determine where to place evidence markers and reference indicators when photographing a crime scene.
- LE114.5.** Determine how to photograph a crime scene effectively, to include sequencing views, proper lighting, and framing and focusing.
- LE114.6.** Document the crime scene photographs as evidence according to agency policies and procedures.
- LE739.1.** Use the appropriate diagramming tools to document the crime scene according to agency policies and procedures.
- LE739.2.** Determine when to diagram the crime scene in order to document evidence.
- LE739.3.** Determine how to diagram a crime scene effectively using bird's-eye view or triangulation.

LESSON GOAL: At the end of this lesson, you should be able to document a crime scene.

Photograph the Crime Scene

Use your agency digital camera with a flash. Avoid using a cell phone camera; the phone may be impounded.

Include a scale, ruler, or identifier in each close-up photograph you take. Keep extra batteries for both the camera and the flashlight. Florida's climate is particularly hard on batteries, as heat deteriorates batteries. You can use a flashlight for extra lighting when taking photographs.

Photographing the crime scene allows the court and the jury to obtain an accurate understanding of how it looked on the day you responded. Photographing perishable, fragile, and transitory evidence ensures its documentation. Photos and videos provide a visual record that may be stored indefinitely and is readily available when needed. Photographing the crime scene is the first event that should take place before any detailed crime scene work begins.

Examples of perishable evidence can include blood, footwear and tire impressions, or trace evidence such as hair or fibers. Transitory evidence is evidence that can blow or wash away. Fragile evidence can include a bullet hole in glass held into place by a thin window tint. Based on the circumstances at the scene, you need to photograph this type of evidence first.

When photographing specific items such as blood drops, weapons, or tire marks, place a **scale** or **identifier** in the photograph with the evidence to establish the original positions and draw attention to relevant objects or evidence for photographing and sketching. Use a scale or identifier to illustrate size and other valuable information relevant to the scene. Most agencies provide rulers or cards with rulers on them. Other examples of scales or identifiers are *Miranda* cards, dollar bills, coins, or rulers that you can use as a standard of measurement.

The overall flow of crime scene photography moves from general to specific; use overall, midrange, and then close-up photography. Begin at the perimeter of the crime scene and take sequential shots by framing a panoramic or four-corner view of the scene. The midrange view shots show the relationship between the evidence items within the scene. Close-up view shots show the details of a specific item of evidence and must include a scale or identifier. The objects you are photographing and the scale or identifier both

need to be in focus. Look at the photograph after taking the picture to ensure that both are in focus. For example, if your crime scene were a room, the overall would be photographs of the room from all four corners. Midrange would be photographs of the sofa, and the close-up would be the blood on the sofa.

Proper lighting provides good exposure for the photograph, so that it is neither too dark nor too light for the visibility of detail. Proper lighting will also avoid glare and flashback from a mirror or glass. Standard camera flashes will only project nine to twelve feet. Consider flood lighting with a flashlight or using the vehicle spotlight or headlights if the overall picture requires you to photograph the scene from more than nine to twelve feet away.

Photographic framing is composing the photograph so that it depicts what you are trying to document. For example, in overall or midrange photography, overlap the photos to show the relationships of items in the crime scene. Close-up photography should include in the frame both the evidence item and the scale or identifier.

Include the case number, location, date and time, and your name when submitting photographs. This can be as simple as photographing your computer screen after logging in case information or photographing a whiteboard with case information on it. Download photographs according to your agency policies and procedures and document in your report that you took the photographs. You will need to be able to testify that the photographs are a true and accurate representation of the scene as it appeared when you took the pictures.

All objects pictured must be important or relevant to the scene. Avoid including bystanders, other officers, your equipment, or pets in crime scene photographs.

Diagram the Crime Scene

A crime scene sketch supplements your field notes and photographs and helps with report writing. Most patrol officers will not regularly sketch a crime scene; however, a crime scene sketch will assist in validating the relationships of items within the crime scene. Crime scene sketches are a means of documentation that aid in the reconstruction, explanation, and permanent recording of an incident. Sketches can show relative positions (spatial relationships) of objects within the crime scene that are not readily visible in photographs. They can be used to document where evidence was recovered within the crime scene. Use crime scene sketches during interviews with witnesses, victims, and suspects to correlate testimony. These sketches are usually admissible in court.

Items used to construct a sketch include a blank sheet of paper or graph paper, pen or pencil, tape measure, and a template or a ruler. Should your agency provide technology with the appropriate software, you can diagram a crime scene electronically.

If you are going to diagram the crime scene, this is the second event that should take place after photographing the scene and before any detailed work begins.

LE739.4. Recognize all of the required elements to include in a complete crime scene diagram.

LE739.5. Determine where to place evidence markers and reference indicators when diagramming the crime scene.

LE739.6. Document the crime scene diagram as evidence according to agency policies and procedures.

LE112.1. Determine the need for evidence prior to photographing a person.

LE112.2. Determine a suitable location to photograph evidence on a person, taking into consideration personal privacy and the location of evidence on the body.

LE112.3. Document the photographs of evidence on a person according to agency policies and procedures.

The most common method of sketching is using the ***bird's-eye-view*** or downward observation perspective. **Triangulation** is the most common method of surveying (measuring and documenting) objects within the crime scene. This method measures objects from at least two fixed points, forming a triangle.

Draw an initial sketch at the crime scene with enough detail to stand alone and include measurements for use in preparing a more formal sketch. The sketch should show, room by room, the size and relationship of entrances, exits, and contents. Record each relevant item, including evidence. If you leave something out of a sketch, such as a window, a piece of furniture, or a light fixture, be prepared to explain the omission at the deposition or trial. Additional information to include is compass direction, relevant items of physical evidence along with the location of such items indicated by measurements from at least two fixed points or other methods, and a legend of the symbols used to identify objects or points of interest on the sketch. Measurements, or a scale of the diagram, are also important information. Sketches should include the statement “not to scale” unless you are prepared to testify that every item is precisely drawn to scale on the sketch. A sketch that is drawn to scale shows the objects with accurate sizes except that they have all been reduced or enlarged by a certain amount relative to each other.

Evidence markers help to document the relative positions of evidence items in the crime scene. Place evidence markers next to each piece of evidence within the crime scene after initially photographing the scene and developing your initial sketch. At this point, re-photograph the scene using overall, midrange, and close-up photography to include the evidence markers. If sketching the crime scene, place the evidence markers in the diagram to complete the sketch.

Include the case number, location, date and time, and your name when submitting diagrams. Submit diagrams according to your agency policies and procedures and document in your report that you sketched the crime scene.

You will need to be able to testify that the diagram is a true and accurate representation of the scene as it appeared when you sketched it. All objects pictured must be material or relevant to the scene.

Photograph People

A person can be a crime scene or part of a crime scene. After establishing that a crime has been committed and that it requires photographs, determine the type of evidence that can be present on the victim or witness. Visible evidence can include bruises, lacerations, broken bones, gunshot wounds, and trace or transfer evidence. The person you are photographing has to be a suspect, witness, or victim of a crime to support taking a photograph. A suspect does not have the right to refuse photographing injuries such as scratches from the victim or blood evidence.

Apply the same photographic perspectives—overall, midrange, and close-up—when documenting injuries and evidence on people. Use a scale or identifier to document the extent of the injury.

If you need to take photographs of an injury to any external genital organs, have an officer of the same gender as the victim observe and photograph the injuries. Take this photograph in a location that provides privacy to the injured person, following agency policies and procedures. It may be prudent to have a witness present when photographing these types of injuries.

Include the case number, location, date and time, and your name when submitting a photograph of a person. Submit photographs according to your agency's policies and procedures and document in your report that you photographed the victim or witness.

SECTION VOCABULARY

bird's eye view

evidence marker

identifier

scale

triangulation

UNIT 1 | PROCESS THE CRIME SCENE

LESSON 4 | Evidence Handling Procedures

LESSON GOAL: At the end of this lesson, you should recognize evidence at a crime scene. You should know how to collect, preserve, and document different types of evidence. You will demonstrate how to process latent fingerprints.

Dr. Edmond Locard (1877–1966), a pioneer in forensic science, formulated the fundamental principle of forensic science: “Every contact leaves a trace.” Referred to as Locard’s Exchange Principle, this contends that everyone who enters a crime scene will both bring something into and take something from it. The job of a crime scene analyst is to determine what evidence at the scene belongs to the criminal and not to the victims or witnesses. At any crime scene, the victim and the suspect usually leave or take away some sort of evidence. Begin to determine what evidence belongs to whom by talking to witnesses about items that could possibly be evidence at the scene.

A few examples of evidence that you may find and collect at a crime scene are fingerprints, shoe prints, blood, fibers, hair, tool marks, paint scratches, broken glass, body fluids, controlled substances, electronics equipment and computers, firearms, broken or damaged materials, tire tracks, documents, and bones. Try to identify

OBJECTIVES

LE118.1. Recognize the type of evidence you may find at a crime scene.

LE118.2. Determine the type of PPE to apply prior to collecting evidence to avoid contaminating the evidence and to maintain officer safety.

LE118.3. Choose the appropriate type of packaging materials specific to the types of evidence found at a crime scene.

LE118.4. Describe the different types of trace evidence that an officer can find at a crime scene.

- LE118.5.** Describe the different types of biological evidence that an officer can find at a crime scene.
- LE118.6.** Describe the different types of impression evidence that an officer can find at a crime scene.
- LE110.1.** Determine possible locations for latent fingerprints based on the specific crime you are investigating.
- LE110.2.** Protect the location of the latent fingerprints from damage or deterioration to ensure successful collection.
- LE110.3.** Identify the appropriate equipment for collecting latent fingerprints based upon the location of the evidence and agency policies and procedures.
- LE110.4.** Determine the type of personal protective equipment (PPE) to apply prior to collecting latent fingerprints to avoid contaminating the crime scene.
- LE110.5.** Demonstrate how to dust, lift, and document the collection of latent fingerprints as evidence from a crime scene.
- LE110.6.** Apply your agency's policies and procedures when submitting latent fingerprints as evidence from a crime scene.
- LE110.7.** Describe the role of elimination prints when processing a crime scene.
- LE118.7.** Describe the different types of electronic evidence that an officer can find at a crime scene.

the possible sources of evidence found at a crime scene. For example, if a substance appears to be blood, identify whether anyone at the scene had a bleeding injury. Whether or not the victim was injured, the perpetrator might have been. Some evidence will be unidentifiable; the crime scene unit or laboratory can assist in identifying, comparing, and interpreting such evidence. Some surfaces may contain contaminants that require expert processing. Based on the type of crime committed and the kind of evidence consistent with the crime, identify the type and category of each item of evidence.

Never handle evidence with your bare hands. Use personal protective equipment (PPE) whenever you handle or collect evidence. PPE will protect the evidence from contamination and you from exposure to dangerous substances. At times, you may need booties, facemasks, goggles, aprons, and other protective clothing or gear, depending on the type of evidence you are collecting. To avoid contamination, change gloves between collecting each piece of evidence collected for DNA analysis. Officer safety and evidence preservation requires using universal precautions.

There are special considerations for handling specific types of evidence. Proper tools, equipment, and appropriate containers and packaging help prevent contamination and degradation issues for each particular type of evidence. For example, wet evidence, such as items soaked with body fluids or living plant material, must either be air-dried, packaged in breathable containers such as paper bags, or both. If packaged improperly, wet items will deteriorate to a point where they have no evidentiary value. Pay particular attention to the proper collection of evidence. Place evidence collected for DNA analysis in its own, separate container. Agency policies and procedures will dictate specific evidence-handling procedures.

Search for Evidence

The type of crime committed will guide the types of evidence that you will search for at a scene. Certain types of evidence are typically associated with particular crimes. For example, at a burglary scene, search for evidence of illegal entry, such as pry marks on a doorframe or broken windows. When searching a scene for evidence, use a systematic approach or an established pattern. The type of crime scene will help dictate the type of search pattern. Study the whole scene first, keeping in mind that the relationships of the items' positions may be important.

Use one or more of the following search patterns:

- **strip/line search pattern:** usually used outside by several people. Divide the search area into lanes. Have one or more people search each lane by moving in both directions, examining all areas.
- **grid search pattern:** often used indoors; a variation of the strip/line search pattern. Searchers overlap a series of lanes in a cross pattern, making the search more methodical and thorough.

- **pie/wheel search pattern:** entails dividing the area into a number of wedge-shaped sections, which are usually searched using the strip/line search pattern. Use this method for extremely large search areas.
- **spiral search pattern:** usually used outside by one person. The searcher begins at a certain point and walks in increasingly larger circles to the outermost boundary of the search area.
- **zone/quadrant search pattern:** used for vehicle searches, outdoors, or a large area. Divide the area into four different sections and search each using one of the patterns above.

Trace Evidence

(See Figure 8-1 on the next page.)

Microanalysis is the process of microscopically analyzing trace evidence, such as paint, glass, and cloth fibers, to determine a possible source or origin. Microanalysis can identify and compare other materials such as textile fibers, plastics, duct tape, lamp filaments, and fractured, torn, or cut items.

Sometimes fibers transfer between the clothes of the victim and the assailant. Fibers can come from clothing, carpet, rope, automobile carpeting, upholstery, or other common articles. Fiber analysis can reveal the manufacturer and other information about the source item. The relation that fiber evidence has to the victim, suspect, or the crime scene is crucial evidence in many cases. Broken windows, torn screens, or other sharp edges may snag fibers during a subject's entry into or exit from a building. When the inside of a vehicle is part of a crime scene, examine the seat belts, airbag, steering wheel, and other components for fibers. Holding a flashlight to create side light and using a magnifying glass may help you spot fiber evidence.

Comparing and matching fragments from a broken piece of glass can establish a common origin and a relationship between the victim, the suspect, and the crime scene. The crime laboratory can analyze the glass pieces and compare characteristics, such as color, density, thickness, and type of glass (tempered window, non-tempered, headlight, and bottle) to match and identify its origin. In addition, if a suspect or victim is near a piece of glass when it breaks, glass fragments may contaminate the person's body, shoes, and clothing. The direction of force or the order in which glass is broken can determine on which side of the glass the suspect stood, thus establishing the suspect's entry or exit path.

Paint transfer can provide useful evidence in solving crimes such as a hit-and-run crash. Samples may show that paint at the scene and on the suspect's vehicle came from a common source. Tools used to gain illegal entry into buildings and safes can leave paint residue. Sometimes, soil from a crime scene attaches to a suspect's or victim's clothing, shoes, tires, or other objects, and the person transports it to another location.

LE118.8. Describe the different types of chemical or toxicological evidence that can require analysis or create an officer safety issue when processing a crime scene.

LE118.9. Describe the different types of questioned document evidence that an officer can find at a crime scene.

LE118.10. Apply evidence security measures by initiating the chain of custody when processing evidence.

LE501.1. Determine how to take possession of a firearm safely in order to record any identifying marks.

LE501.2. In field notes, document the manufacturer, serial number, model number, and caliber of the firearm by examining the weapon safely.

LE501.3. Using identified marks, conduct an NCIC/FCIC check on the firearm to determine the weapon's status.

LE501.4. Apply your agency policies and procedures when determining the disposition of a firearm using NCIC/FCIC results.

LE621.1. Conduct a building or grounds search for evidence, based upon the location and type of evidence sought, using the appropriate search pattern.

Trace Evidence	Biological and Touch DNA Evidence	Impression Evidence	Firearms Evidence	Electronic Evidence	Chemistry or Toxicological Evidence	Questioned Documents Evidence
hairs	blood	fingerprints	weapons	computers	blood alcohol levels, drugs, poisons, etc.	checks
fibers, clothing	semen	tire tracks	projectiles	cell phones		bank statements
paint chips, transfer evidence	saliva	footwear impressions	gunshot residue	PDA		address books
glass	bones	footprints	cartridge cases	thumb drives		wire transfers
wood	teeth	bite marks	tool marks	external hard drives		credit cards
soil, dirt	body tissues	tool marks	database information	CDs, DVDs, VHS tapes		phone bills
	hair			digital cameras		photographs or cameras
	DNA, Touch DNA			answering machines, digital recording devices		photo copies

Trace evidence chart

Figure 8-1

Biological Evidence

Biological evidence left at crime scenes may contain DNA. Consider all objects at a crime scene as possible sources of DNA evidence. These specimens could be blood, saliva, urine, semen, perspiration, vaginal secretions, feces, or vomit. You may find this evidence at murder, aggravated battery, sexual assault, hit-and-run, and burglary scenes. The biological specimens most often encountered include blood, seminal fluid, or saliva. Crime laboratory experts in serology can identify these body fluids and, if needed, conduct further testing using DNA analysis. Sexual assault cases may require an examination of semen evidence. Other pieces of evidence that may contain saliva, and require examination, are cigarette butts, drinking straws, soda and beer cans, masks, bottles, etc. Bite marks may also contain saliva.

For blood evidence, the laboratory can determine through chemical testing whether blood is possibly present and if it is of human origin. Blood type and DNA identification is also possible with a blood sample. Blood evidence may include blood pooled on the floor, a wet or dried stain on upholstery or carpet, or a sample collected from the victim or the suspect after the incident. Experts can analyze the direction of blood spray or spatter to determine the type of weapon, the direction of the attack, and the relative size of the attacker.

Advancements in touch DNA analysis allow for the detection of identifiable evidence in objects that made contact with a victim or suspect for a short time.

Teeth can, in some cases, serve as identification and evidence. In the event that you discover human skeletal remains, contact your supervisor and follow agency policies and procedures when processing the scene.

Because of the nature of the evidence, a medical examiner or a trained forensic specialist should see the bones at the site as discovered.

Impression Evidence

Working edges of tools leave distinct marks on surfaces. Never try to fit a suspect's tool into a mark. You may need to collect the entire damaged surface and submit it to the laboratory for comparison with the suspect's tool. Comparing the fracture sites of two or more parts of a broken, torn, or cut object and determining whether they were once whole can provide strong evidence in court. Do not attempt to reconstruct the items or process latent prints from the pieces before submitting them. If it is not possible to submit the entire damaged surface as evidence, follow agency policies and procedures for proper processing.

Footwear impressions and tire tracks can link a suspect to a crime when such impressions at the scene match an object in the suspect's possession. You can find these types of impressions in mud, soil, or another pliable material. Surface footwear impressions or tire prints can remain on wood, tile, paper, or paint, or in dust, blood, or grease.

Teeth can provide dental evidence in the form of bite mark impressions that can lead to the identity of the suspect. Photograph bite marks as soon as possible. There is a high likelihood of saliva being present in bite marks, as well.

Fingerprints

Consider all objects at a crime scene as possible sources of fingerprints. **Patent prints** are transferred from the friction ridges on fingers by a foreign substance (not a body residue), like blood, paint, or dirt, and are readily visible. A **plastic print** is a molded or imbedded fingerprint created by touching an impressionable surface, such as wet paint or mud that you can easily see. Follow agency policies and procedures regarding photographing visible prints and determining the best method to collect and preserve the evidence.

Latent prints are among the most valuable types of physical evidence and one of the most common types of evidence you will recover at a crime scene. Although generally invisible to the naked eye, latent prints result from body residues left behind when the friction ridges of the hands or feet make contact with a surface.

When collecting evidence, wear gloves to prevent leaving your own latent prints. Take care to avoid smudging or smearing existing latent prints when handling and packaging evidence.

By examining the submitted evidence, the latent prints section of the laboratory may be able to determine the presence of latent prints and determine if they are identifiable.

The most common way to process latent fingerprints is by dusting them with one of several types of powder, which develops the print and makes it visible. Use a fine brush to apply dust to the surface on which someone placed a print. Lift a found print from its original surface with clear or frosted tape, then attach it to a small note card.

Follow these guidelines when dusting for and lifting latent prints:

1. Wear gloves to avoid contaminating the area with your own fingerprints. Be careful not to wipe possible prints off the surface.
2. Hold a flashlight at an angle, and look for obvious signs of a latent print.
3. Take your brush and lightly dab into the powder once you find a target area.
4. Tap and twirl the excess powder off the brush in the jar of powder. Use it sparingly because it tends to get on everything. It is better to use too little than too much.
5. Lightly brush from side to side, or swirl the brush, on the target area. If the powder adhered to the print is too thick, brush off the excess powder with a clean brush and adjust the amount of powder.
6. When you find a print, apply the tape in the following manner:
 - a. Place a suitable fingerprint card on a flat surface nearby so that it is ready for the print you lift with the tape.
 - b. Turn under the end of the lifting tape to form a tab.
 - c. Extend the tape to a distance long enough to cover the print.
 - d. Place the rolled end of the tape just above the latent print, but keep it off the print.
 - e. Make sure that you do not trap foreign matter or air bubbles under the tape.
 - f. Smooth from the tabbed end of the tape back toward the rolled end or vice versa. Use your finger, pen, or another object to smooth out the tape and release any trapped air. It is the same basic process as putting a decal on a window. With time and practice, you will develop your own technique for applying the tape.
7. Slowly lift the tape containing the developed prints from both ends, being careful not to touch the tape to another surface, such as your gloves.
8. Carefully place the tape on the fingerprint card in the same way that you placed the tape over the latent print. Place the print in the designated place on the correct side of the card.
9. On the back of the fingerprint print card, record the date, case number, the location within the crime scene where you retrieved the fingerprint and any other information your agency's policies and procedures require. Be careful not to damage the print.
10. Follow your agency policies and procedures to submit print evidence.

Most agencies provide officers with a basic latent fingerprint kit that includes gloves, black and light gray powder, a brush, tape, and cards. Before lifting latent prints, refer to your agency's policies and procedures regarding the available equipment and familiarize yourself with that equipment. If your agency authorizes you to lift prints, have an adequate supply of materials on hand and get training in how to use them. Lifting latent prints is a basic skill of law enforcement. The ability to lift a latent print directly relates to your attention to detail. Lifting a print is often a "one shot" opportunity and should be treated as such. Specially trained crime scene and laboratory personnel use numerous other methods for processing latent prints in a controlled environment.

Elimination prints allow fingerprint analysts to distinguish between prints belonging to either the victims and witnesses or the possible suspects. To make this distinction, take inked fingerprints from innocent parties, who may have been at the crime scene, in order to eliminate their prints from the scene.

Firearms Evidence

When recovering a firearm or ammunition at a crime scene, follow agency policies and procedures for handling such evidence. Always properly secure the weapon. Clear all bullets from the chamber or cylinder. Dislodge the magazine and any ammunition. Place the weapon in a firearm or evidence box; put the magazine and the ammunition in a separate container, then place them both in the firearm or evidence box.

Before placing the firearm in the box, carefully examine it to identify the manufacturer, country of origin, serial number, model number, and caliber. Avoid evidence contamination. Document this information in your field notes, as you will need this information for your database check and final report.

Use the identifying marks to conduct an NCIC/FCIC database check on the firearm. This will tell you if the firearm is lost, stolen, or found. Conduct an eTrace database search through the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to determine the original owner of the firearm or the firearms dealer.

If a wooden object or other material contains an embedded bullet, do not attempt to remove it. If you find other weapons, follow agency policies and procedures for evidence recovery. The firearms section of a laboratory examines firearms for function and safety. Analysts can examine fired bullets, cartridge cases, and shotgun shells to determine if the suspect's weapon fired them. They examine bullets recovered from a crime scene to identify the make and type of weapon involved. An analyst may also examine the crime scene for the presence of gunpowder and shot pellet spread to determine firing distance. Analysts can identify tool marks, after-market modifications, and serial number restoration.

Electronic Evidence

Computers are commonly found at crime scenes and can often store vital evidence. Types of computer equipment and media may include tablets, laptops, desktops, thumb drives, external drives, network systems, removable disks, tapes, digital cameras, and other data storage equipment. DO NOT touch any part of the equipment to avoid possible damage to it. Computer evidence recovery is a complex task that requires highly specialized training. Follow agency policies and procedures for computer evidence recovery.

You may also find cell phones at crime scenes; however, you cannot access information contained in a cell phone unless you have a search warrant. The US Supreme Court, in *Riley v. California*, 573 U.S. ____ (2014) ruled that it is unconstitutional to search a cell phone without a search warrant unless there are officer safety concerns or exigent circumstances.

Chemical or Toxicological Evidence

The crime laboratory's chemistry section analyzes substances submitted to the laboratory to determine the presence or absence of any controlled substance as listed under s. 893.03, F.S. Analysts prepare reports of their findings and often testify in court regarding the results of their analyses.

The toxicology section of a laboratory analyzes samples of blood, to determine chemical and alcohol content, and urine, to detect chemical content. In a criminal investigation in which you suspect alcohol or drug use

SECTION VOCABULARY

- chain of custody*
- elimination prints*
- grid search pattern*
- latent prints*
- patent prints*
- pie/wheel search pattern*
- plastic prints*
- spiral search pattern*
- strip/line search pattern*
- zone/quadrant search pattern*

on the part of the suspect or the victim, you may consider obtaining an analysis by the toxicology section of a laboratory. Such cases usually result from investigations of DUI, sexual assault, and death. Toxicology also analyzes alcoholic beverages for suspected chemicals, such as date-rape drugs or alcoholic levels.

You should be able to identify a wide variety of controlled substances and drug paraphernalia by sight or odor. In some cases, you may field test a substance before collecting and packaging it as evidence. When collecting drug paraphernalia, package sharp objects such as needles or syringes in puncture-proof packages clearly labeled with the words “WARNING: SHARPS.” Personal protective equipment is essential for an officer who encounters any chemical or biological substances. You may need specialized assistance such as the fire department or a HAZMAT team.

Questioned Document Evidence

A document is anything containing a mark to convey a message. Carefully handle all documents found in a crime scene to preserve their conditions. Document analysts use a variety of scientific methods to examine documents for alterations, obliterations, handwriting analysis, indentations, ink comparisons, and machine impressions. Questioned documents may also contain latent fingerprints and DNA. Analysis may answer questions about the document’s authorship and authenticity.

When you find money at a crime scene, follow your agency’s policies and procedures for handling it as evidence.

Should you suspect that the money is counterfeit currency, document it as such and forward it to the United States Secret Service. The United States Secret Service maintains a database of counterfeit currency with information such as any suspects that may have already been under investigation; any information that may lead to the apprehension of the counterfeitors; and the denomination, serial number, and the location that the suspect passed or transacted the money. When handling money taken from crime scenes or seized from suspects, always be very careful to avoid any appearance of impropriety.

Chain of Custody

When you recover evidence of any kind, begin a chain of custody for the evidence. A *chain of custody* is a documentation of everyone who handled the evidence as well as when, why, and what changes, if any, were made to it. A chain of custody documentation also proves the evidence submitted in court is the same evidence you collected at the crime scene. Follow agency policies and procedures regarding the documentation of the chain of custody to help eliminate ethical and legal concerns about the handling and preservation of evidence. A property receipt, written or electronic, typically records the chain of custody. Florida Statute s. 918.13 states that it is a felony to alter, destroy, conceal, or remove any record, document, or thing with the purpose to impair its truth or availability in a criminal trial or investigation.

UNIT 2 | FOLLOW-UP INVESTIGATION

LESSON 1 | Review Initial Information and Pursue Leads

LESSON GOAL: At the end of this lesson, you should know how to develop leads by conducting surveillance on a suspect and canvassing neighborhoods near the crime scene.

Initiate a Follow-up Investigation

An **investigation** is the process of making detailed and systematic inquiries and observations about a criminal complaint. The purpose of an investigation is to recreate what happened during the incident, identify and locate the suspect, and develop enough evidence to establish probable cause to make an arrest. In some agencies, this responsibility lies with the investigations section. In other agencies, depending on the severity of the crime, responsibility for follow-up investigations may fall to the primary patrol officer dispatched to the call. Regardless of who completes the follow-up investigation, the tools and skills required to complete the investigation are the same. It is unlikely that a recruit will graduate the academy and immediately receive the assignment of investigator. However, some smaller agencies require patrol officers to become familiar with the investigative process.

The preliminary investigation focuses on establishing whether a criminal act has been committed and, if so, what type and when and where it was committed. From the preliminary incident report, you should be able to recreate the initial investigative steps taken at the crime scene.

After reviewing the report, a follow-up investigation can include contacting witnesses, victims, and suspects, reviewing evidence, locating additional evidence, and writing a writ of capias request, arrest affidavit, or arrest warrant. A writ of capias is a legal order for an arrest issued by the clerk of courts at the request of the state attorney's office. The state attorney may require additional information in making a filing decision and can request a follow-up investigation. These requests for additional statements or other evidentiary information rest on the initial officer or the assigned investigator to respond to and provide a supplemental report.

A follow-up investigation gathers information subsequent to the initial report to establish a case. To initiate a follow-up investigation for a previously reported incident, locate and review the records of the incident. Compare the list of victims, witnesses, and suspects with the case information to ensure its accuracy; review listed evidence; and determine what may constitute evidence that has not yet been located or analyzed.

The first steps in a follow-up investigation are establishing a case file, reviewing the information gathered during the preliminary investigation, and identifying and pursuing leads. Locate and interview individuals who may have additional information

OBJECTIVES

LE168.1. Analyze the incident reports and/or officer notes to identify possible leads when conducting a follow-up investigation.

LE168.2. Describe the process for initiating a follow-up investigation.

LE168.3. Describe the process for developing and managing information in a case file during a follow-up investigation.

LE168.4. Describe the basic types of surveillance that an officer can use during a follow-up investigation.

LE168.5. When conducting a follow-up investigation, determine the types of leads based upon the type of offense and existing information.

LE168.6. During a follow-up investigation, determine the value and validity of all leads based upon corroborating information.

LE168.7. While conducting a follow-up investigation, collect additional evidence when identified.

LE168.8. Describe how to conduct a canvass of the area surrounding a crime scene to obtain additional information.

pertinent to the investigation. The information should be factual, relevant to the investigation, and securely documented according to your agency's reporting guidelines.

In some cases, the information you receive from the preliminary investigation is incomplete. To initiate a follow-up investigation and compile a complete case file, determine how to obtain the missing documentation from within your agency. Agencies store original reports in a records section staffed by records custodians or technicians. If you find that you are missing a report or document from the preliminary investigation, contact the agency's records section and obtain a copy.

As the investigation continues, assemble newly discovered information in the case file, determine its relative value, and immediately document its existence by submitting and attaching supplemental reports. The investigative case file is the repository of all information derived from both the preliminary investigation and the follow-up investigation. Protect and maintain investigative case files according to agency policies and procedures.

Surveillance

Conducting surveillance on a subject can continue the information gathering process begun during the preliminary investigation. There are several ways to perform surveillance on a suspect's location: moving, stationary, and electronic.

Moving surveillance is following a person of interest on foot or in a police vehicle. It requires a safe distance, more than one police officer, more than one police vehicle, and a coordinated approach, none of which can draw undue attention to the officers' presence. A drive-by at a specific location involves an officer behaving as though passing by this area is just a part of a normal driving routine. A patrol officer looking for a wanted person often performs this surveillance.

Stationary surveillance involves parking your vehicle some distance away in a location that allows an approach to the area on foot in a covert manner.

From a concealed position, conduct the spot checks or set up a fixed location and maintain it.

Electronic surveillance involves monitoring a person of interest through tracking devices—cell phone or credit card use—which typically requires a court order.

When involved in surveillance, do not enter an area in which a person has a reasonable expectation of privacy, such as the curtilage surrounding a residence. Follow your agency's policies and procedures regarding surveillance equipment and agency resources.

Leads

Additional leads can provide information that will further your investigation. Leads may be physical evidence, further suspect information, witness statements, anonymous tips, and information gained while interviewing and processing existing information. During the analysis of case documentation, you may identify additional leads; some leads will prove more valuable than others will. Upon receipt of a lead, investigate the information and determine its validity. A lead is valuable when it corroborates or disproves the physical evidence, statements, and/or confessions. Investigate leads that may develop probable cause for an arrest first. Record your actions in the case file and determine what to do with the information or evidence discovered.

Continue or initiate new inquiries by identifying other sources for the information needed to support the elements of the crime. Seek sources of information through canvassing or monitoring tip line activity. Agency policies and procedures determine how far you can investigate to prove a case. Know the boundaries of the investigation, as most agencies have limited resources.

Canvass

A **canvass** is a door-to-door inquiry of all possible sources of information in a given area. It may require additional officers, depending on the size of the area. Canvassing an area in proximity to the incident or crime scene may yield additional witnesses, possibly new victims, a suspect or suspects, and evidence.

Walk the perimeter of the crime scene to identify places where people may have been able to see or hear what happened; consider which houses have a clear view of the crime scene and are within hearing distance. Begin by identifying specific locations that could house people who might have additional information about the incident you are investigating and make inquiries at each location.

Be aware of any animals that may be present and consider the time of day when approaching the occupant, and, if warranted, apologize for the intrusion.

Be prepared to conduct individual interviews by approaching each residence or business in the area and knocking on the door to contact the occupants. Ask the occupant to answer a couple of questions and be courteous, respectful, and friendly to build your rapport and obtain cooperation. Tell the occupant that you are investigating a crime that occurred at a particular time and in a particular place. Do not reveal the details of the crime—names, seriousness, or how the crime was committed.

Ask whether the occupant or any other member of the household or business remembers seeing or hearing anything around the time of the crime.

Exercise caution during the canvass, as you may actually knock on the suspect's door.

Document the occupants' identifying information and their responses to the questions. Include specific details about what the occupants heard or witnessed and be sure to thank the occupants for their cooperation, no matter what information they provide. Document what witnesses were able to say about the crime; even if a person reports knowing nothing about the crime, it will be important if the person later claims to have been a witness. Be sure to document when a residence is either vacant or there is no response to your inquiry; a non-responsive house may require a follow-up. At times, you may canvass for another officer or investigator. If you obtain vital information, relay that information immediately to the lead officer. When in doubt about the information, contact the lead investigator and relay the new information.

An address is essential to verifying that the witness actually lives at the location where you made the contact, and is not just a guest. Without the address and the occupants' phone numbers, you will lose time locating the witness again.

SECTION VOCABULARY

canvass

investigation

UNIT 2 | FOLLOW-UP INVESTIGATION

LESSON 2 | Establish a Suspect's Identity

OBJECTIVES

- LE136.1.** Compare as many points of identical crime patterns to a suspect with similar patterns.
- LE136.2.** When initiating a follow-up investigation, establish the modus operandi of the suspect by determining specific aspects about the way a crime is committed.
- LE165.1.** Describe common methods of developing information on a known or possible suspect when furthering an investigation.

LESSON GOAL: At the end of this lesson, you should know how to establish a suspect's identity by recognizing his or her modus operandi.

Develop Suspects

Concentrate on the “who” part of the investigation and establish a suspect’s identity by comparing information, evidence, known offenders, possible leads, and intelligence records. Gather additional information to better understand the “why” and “how” of a crime. Look at issues such as opportunity, ability, and motivation to identify known or suspected offenders as well as the type of crime committed, how serious it was, and what means and methods the suspect used to commit the crime.

You can produce leads by visiting a suspect’s workplace and other places that he or she frequents, such as clubs, bars, or gyms. By interviewing acquaintances, friends, and family, you may learn the suspect’s habits, abilities, and places where the suspect may conceal or hide evidence. Other common methods for identifying criminal suspects include confessions, admissions, witness testimony, circumstantial and physical evidence, confidential informant intelligence, and line-up identification (physical and photo). The Department of Corrections (DOC) lists released inmates or the supervision status of former inmates and provides web-based information on all incarcerated and supervised offenders. Records from other agencies, state and county records, and utility company records are good sources of information.

With few exceptions, public records are available to law enforcement. Private records, such as a company’s employment records, employees’ medical, dental, or financial records, or the records of any private organization, business, or another type, are not necessarily available. A subpoena is necessary to gain access to these private records.

Modus Operandi

Modus operandi, meaning mode of operating or MO, refers to how someone does something, usually repetitive in nature. People are creatures of habit. If something works one time, they tend to think it should work the next time. This thinking often shows up in criminal activity. The same person or group may well have committed similar crimes that exhibit a pattern, or the same or similar MO.

You should be able to recognize those similarities as important information to the investigative process.

Compare past incidents with the current incident, noting actions or features that are the same. Compare information regarding unsolved crimes to determine what questions may remain unanswered. Review Be On the Look Outs (BOLOs) from various incidents including the peculiarities of the crimes, known behaviors of the suspects, and suspects who tend to commit distinctive or specific types of crimes.

When comparing modus operandi, consider the following:

- Does this appear to be a well-planned incident or one committed impulsively?
- If entry to a building or vehicle is involved, was it forcible, or was a key or lock pick used?
- Were tools used? If so, what kind of tools?
- If this was a crime against a person, what weapon, if any, did the suspect use? What verbal commands did the suspect give? What was the physical description of the suspect?
- If theft was involved, what, and how much, property did the suspect take?
- What damage was done, and why? Did the suspect do malicious damage to items he or she could not take away? Did the suspect do careless damage to things that got in the way, or purposeful damage to gain access to a door or fence?
- What was the motivation for the crime? Profit, revenge, fun, opportunity, hate, etc.
- Were any other resources used in the crime?
- Were any unexplained items left at the scene?
- Were there eyewitness accounts to the crime?

SECTION VOCABULARY

modus operandi

UNIT 2 | FOLLOW-UP INVESTIGATION

LESSON 3 | Show-Up, Photographic Array, and Photographic Line-Up

OBJECTIVES

LE131.1. Create a photographic array using photographs of people with physical characteristics similar to those of the suspect, formatting them similarly.

LE131.2. Use standardized procedures when conducting the photographic line-up to avoid directly or indirectly influencing the victim or witness.

LE131.3. Use a standardized script and instruct the witness or victim on how to view the photographs by reading the instructions.

LE131.4. Document the results of the photographic line-up accurately.

LE132.1. Prior to initiating a show-up, identify the suspect based on the witness and/or victim's description.

LE132.2. Describe how to conduct a show-up that is legally defensible in court.

LESSON GOAL: At the end of this lesson, you should know how to conduct a show-up and create a photographic array for use in a photographic line-up.

Show-up

A show-up occurs when an officer presents a victim or witness with a single suspect for identification, during the same time as the initial investigation. Show-ups are inherently suggestive, which you can minimize by using proper procedure. Use a show-up in an immediate situation, such as battery or strong-armed robbery, as these can follow with an immediate arrest. Typically, the unit that identifies the potential suspect will detain the suspect. Transport the victim or witness to the officer's location to identify the potential suspect. To avoid the potential suspect being able to see the victim or witness, use vehicles with a dark window tint or illuminate the potential suspect with a bright light.

- Interview the victim and a witness to obtain a description of the suspect prior to initiating a show-up.
- Determine that the victim or witness has personal knowledge of the crime (the victim or witness saw the suspect clearly enough to identify the suspect's features). The individual must have the ability to accurately discuss the matter, directly or through an interpreter, and clearly understand his or her duty to tell the truth. The victim or witness should demonstrate competence, attentiveness, a sound state of mind, and a lack of prejudice. If more than one victim or witness is involved, separate all of them and tell them to avoid discussing the incident with the other victims or witnesses.
- Determine if it is appropriate to conduct a show-up, based upon the victim or witness' ability to identify the subject, and if circumstances will allow the prompt display of a single suspect.

Have you received notification that a suspect matching the victim or witness' description has been located? Has the suspect been located near the vicinity of the incident?

- Coordinate the show-up as quickly as possible to limit the legal impact of the suspect's detention.
- Caution the victim or witness that the person he or she will be looking at may or not may not be the suspect. Avoid providing any verbal or nonverbal feedback to the victim or witness during the identification process.
- Transport the victim or witness to the location of the suspect, not the suspect to the victim.

- Ask the victim or witness if he or she recognizes the suspect; do so in a way that avoids influencing the identification.
- Document all statements of identification and non-identification. Document any comment made by the victim or witness during the entire process, word-for-word. Note any nonverbal communication or action that the victim or witness makes in the investigative file. If a victim or witness is unable to make the identification, document why he or she is unable to identify a suspect.

Photographic Array

A **photographic array** is a group of photographs used in a photographic line-up. A photographic array can be more efficient than a live line-up because the agency can reprint existing photographs. Photographic arrays can increase the possibility that an adequate number of similar photographs are available for identification.

A photographic array consists of a minimum of six photographs. Each photograph should be of people with similar physical characteristics to those of the suspect and formatted alike. Use a minimum of five filler photographs together with only one photograph of the suspect. Filler photographs are photographs of people, other than the suspect, that complete the array. Each photo in the array should be of a different person with no duplications.

Photographic Line-up

A photographic line-up is the process of showing a photographic array to a victim or witness, one at a time, to allow for the identification or elimination of suspects. An independent administrator presents a photographic array to the victim or witness simultaneously or sequentially. An **independent administrator** is an officer who administers a photographic array, has no knowledge of the suspect information, and will meticulously avoid any conduct that might influence, directly or indirectly, a victim's or a witness' decision.

Simultaneous presentation occurs when the independent administrator presents a group of photographs to the victim or witness all at once, at the same time.

Number all photographs and filler photographs used in the array prior to simultaneously presenting the array to the victim or witness. Instruct the victim or witness to annotate which photograph is the suspect, and sign and date the array. Obtain a sworn statement from the victim or witness regarding the line-up results.

Sequential presentation occurs when an independent administrator presents individual photographs to the victim or witness one at a time. Number all of the photographs in the array prior to conducting a sequential presentation. Instruct the victim or witness to mark all photography with either "identification" or "non-identification." This makes it clear which photographs the victim or witness actually viewed and chose as the suspect. Only if the victim or witness requests, and after displaying every photograph, the independent administrator may repeat the entire array only once and in the same sequence as originally presented. Present the entire sequence again, even if the victim or witness only requests to see one or a few of the photographs. Obtain a sworn statement from the victim or witness regarding the line-up results.

Agency policies and procedures will specifically indicate whether sequential, simultaneous, or both methods of conducting the photographic array are authorized. Consult with your agency's legal advisor or, when unavailable, with the state attorney's office that is handling investigations for assistance in selecting the authorized method.

Regardless of the method used to display the photographic array, the independent administrator will provide standardized instructions to the victim or witness to promote consistency in the administration of a photographic line-up. Read instructions to the victim or witness prior to administering the line-up. The victim or witness will acknowledge the specific instructions prior to reviewing the photographic array. Independent administrators must not make any additional commentary beyond reading the standardized instructions. Any additional comment could inadvertently suggest to a victim or witness which photograph you believe the suspect is.

Witness Instructions

I will ask you to view a group of photographs of individuals.

[For sequential line-up] I will show you the photographs one at a time and not in any particular order. Take as much time as you need to examine each photograph. If you make an identification, I will continue to show you the remaining photographs in the group.

[For simultaneous line-up] I will show you the photographs simultaneously and not in any particular order. Take as much time as you need to examine them.

The person of interest may or may not be present in the photographic array and the photographs are not in any particular order.

It is just as important to exclude innocent people from suspicion as it is to identify the perpetrator.

You should not feel you have to make an identification. Take as much time as you need to look at each photograph. If you do identify someone, I will note your exact words regarding your identification.

Individuals presented in these photographs may not appear exactly as they did on the date of the incident because features such as head and facial hair are subject to change.

We will continue to investigate the incident with or without an identification by you.

After viewing all the photographs, please initial and date all photographs and annotate or mark whether it was an identification or not an identification.

Because this is an ongoing investigation, you should not discuss this photographic array or the results.

The independent administrator will give the victim or witness the instructions, and will then step away from the victim's or witness' immediate vicinity. If possible, the independent administrator should not be in the victim's or witness' direct line of sight. Avoiding such a view helps minimize the chance that the independent administrator's inadvertent behavior might influence the victim's or witness' decision. Doing so also provides a more relaxed opportunity to view the line-up. Avoid providing any verbal or nonverbal feedback on the identification process to the victim or witness. It is inappropriate to offer any comments that suggest to the victim or witness that he or she has or has not picked the suspect.

Carefully document, word-for-word, any comment that the victim or witness makes during the entire line-up process. Note any nonverbal communication or action of the victim or witness in the investigative file. If the victim or witness makes an identification, document the precise photograph that he or she selects. If a victim

or witness is unable to identify a suspect, document why he or she is unable to. Preserve the entire photographic array as evidence. Document the process and the forms used in the line-up in the investigative file.

SECTION VOCABULARY

independent administrator

photographic array

UNIT 2 | FOLLOW-UP INVESTIGATIONS

LESSON 4 | Gather Information on Suspects

LESSON GOAL: At the end of this lesson, you should know the role of field contacts, confidential informants, and criminal justice database sources for suspect information.

Sources of Information

There are two main types of information—public records and private records. Private records of privately owned businesses or organizations, including privately owned utilities, are not open to the public, including law enforcement, and require court orders to access them. Public records of government entities and publicly owned utilities are records that, with few exceptions, you may access on demand. Public records from federal, state, county, and city databases can provide additional information regarding the suspect's address, employment information, and other essential facts. Agency policies and procedures dictate which databases are available to you and how you can access them.

Records pertaining to juvenile arrests and incidents with law enforcement are restricted from the public by Florida law. Statute does not restrict law enforcement's access to

OBJECTIVES

LE140.1. Maintain interaction, outside of enforcing the law, with residents to establish field contacts as sources of information.

LE140.2. Identify credible and reliable field contacts that can be sources of information.

LE140.3. Determine the value and validity of all information from field contacts through corroboration.

LE140.4. Ensure the confidentiality, rights, safety, and privacy of a field contact when possible.

- LE140.5.** Apply chapter 119, F.S., and agency policies and procedures when documenting information from field contacts.
- LE140.6.** Differentiate between the roles of a field contact and a confidential informant as sources of information.
- LE145.** Obtain information or evidence from medical personnel regarding injuries to victims that can assist in a follow-up investigation.

juvenile information through criminal justice agencies; however, there may be limits to how you may use that information. School resource officers are always a good source of information regarding juvenile offenders.

Checking for a driver's license is one of the most common ways to locate an individual. The Florida Department of Highway Safety and Motor Vehicles houses the Florida Driver and Vehicle Information Database known as DAVID, which is available to all law enforcement officers.

Computer Aided Dispatch (CAD) is a computerized logging system in which dispatch records every event reported and every instruction given chronologically by date and time.

When checking agency records, identify any known aliases of the suspect. Other database sources of information include:

- FCIC/NCIC
- FALCON
- Local arrest databases
- other law enforcement databases
- Florida Department of Law Enforcement sexual predator and offender databases
- Florida Department of Law Enforcement persons of interest or wanted persons
- Florida Department of Corrections database of offenders, parolees, probationers, and recent releases
- Regional Organized Crime Information Center (ROCIC)
- National Association of Bunco Investigators (NABI)
- social networking sites
- credit reports
- Medical personnel can provide information related to the injuries sustained by a victim.

Field Contacts

Field contacts are common sources of information and can assist you in solving a crime and completing an investigation. A **field contact** is any person an officer has contact with while on patrol—such as a concerned citizen or an anonymous complainant with a sense of civic duty—who does not necessarily generate an incident report. Field contacts are often instrumental to solving a case. An officer who follows the guidelines outlined in intelligence-led policing will maintain interaction with members of the community and establish a network of sources of information.

Field contact information can be helpful; however, evaluate the information carefully. Do not depend on an observer for accurate details, particularly if time has passed since

the incident. While most people honestly try to help when you ask, some witnesses have agendas of their own. A suspect the witness knows may be a friend the witness wants to protect. On the other hand, the suspect may be someone the witness does not like. The witness might like to see the suspect in trouble. Personal attitudes may color witnesses' statements. When evaluating a field contact's statement, consider who the contact is and what his or her relationship to the victim or suspect may be. A person with an agenda may not always be a good source of accurate information; however, such a person may provide names or other leads worth following.

Determine the validity and value of a field contact's information by corroborating it, by using known case facts and/or by following additional leads successfully. A field contact can provide valuable information related to a wanted person. If a field contact provides a suspect's vehicle description and location, you can use this information to check if it matches the information from the facts of the case. If it does, then follow that lead.

While obtaining information from a field contact, consider the safety of the scene and the level of privacy during the contact. Do not place yourself in a situation with a field contact that would compromise your safety or your position as a law enforcement officer. Do not meet a field contact in a private place or by yourself. Choose a location not frequented by the suspect or have a fellow officer accompany you.

If information from the field contact is substantial, document the information in your field interview report, as per chapter 119, F.S., and your agency's policies and procedures. Information from a field contact is only exempt from public record if the information relates to an active investigation or intelligence. Forward the information to the appropriate department within your agency, as this information may be valuable to another ongoing investigation.

Confidential Informants

There is a difference between a field contact and a confidential informant. Confidential informants are people who furnish police with information about crimes, primarily because of the expectation of some personal benefit or advantage, and rarely out of a sense of civic duty. Both provide information; however, only confidential informants receive compensation for information. Never promise a field contact or a confidential informant any type of reward, favor, or reduced sentence. Types of confidential informants include mercenary, rival, plea-bargaining, anonymous, self-aggrandizing, false, and fearful. Motivational factors that may cause an individual to be a confidential informant include gratitude, competition, revenge, jealousy, repentance, fear, vanity, civic-mindedness, avoidance of punishment, and monetary or other material gain. Follow agency guidelines concerning confidential informants, as outlined in Rachel's Law, s. 914.28, F.S. Follow your agency's policies and procedures related to the recruitment, control, and use of confidential informants. This includes preserving the safety of the confidential informant, law enforcement, the target, and the public.

SECTION VOCABULARY

field contact

UNIT 2 | FOLLOW-UP INVESTIGATION

LESSON 5 | Search for Wanted Persons

OBJECTIVES

- LE049.1.** Obtain a description of the wanted person and a possible vehicle by reviewing criminal history information and interviewing known associates.
- LE049.2.** Identify known locations associated with a wanted person by interviewing family members and known associates.
- LE049.3.** When searching for a wanted person, determine if additional resources are required.
- LE049.4.** Continually update dispatch on your location and status when searching for a wanted person.

LESSON GOAL: At the end of this lesson, you should know how to search for a wanted person during a follow-up investigation.

Obtain Description

Review information from the initial incident report, and victim and witness statements, to get a physical description of the suspect. Should the initial report lack adequate information, re-interview the victim and any witnesses, and follow any leads of known associates or family members. After obtaining the full name, race, sex, and date of birth, conduct a criminal justice database search, such as DAVID, FALCON and FCIC/NCIC, to gain an accurate physical description of the suspect, address, or vehicle.

Location of the Suspect

This information, combined with information from known associates and/or family members, can provide a probable location of the wanted person. This can include the suspect's residence, place of employment, or public or private locations that the suspect frequents.

Depending on agency resources, the threat level of the suspect, and the location of the suspect, you may need additional officers to apprehend the suspect. Take immediate action to apprehend a wanted person you suspect of committing a violent crime and that presents an immediate danger to the public. Agency resources that can assist in searching for a wanted person can include K-9, aerial support, SWAT, or fugitive taskforce.

Maintain constant contact with dispatch when searching for a wanted person, updating your location and status to maintain a high level of officer safety. This is critical when searching for an armed suspect. If you are unable to apprehend the wanted person, initiate a BOLO for the suspect, and pass any suspect information to the next shift and the appropriate department within your agency.

UNIT 3 | COURT PROCEDURES

LESSON 1 | Courtroom Protocol

LESSON GOAL: At the end of this lesson, you should understand the different types of court proceedings.

First Appearance Hearing

All arrested individuals go to a first appearance hearing, except under the following circumstances:

- a law enforcement officer, in lieu of a physical arrest, issues a notice to appear in a designated court at a specified date and time,
- the magistrate releases the person from custody on his or her own recognizance, or
- the individual bonds out from custody.

According to Florida law, the first appearance hearing must occur within 24 hours of the arrest. At the first appearance hearing, the judge appoints counsel if the defendant qualifies and desires it. The judge reviews the probable cause affidavit and other information to decide if probable cause exists that supports the defendant's commission of the alleged offense. Establishing probable cause is necessary to continuing the criminal proceedings. The hearing allows the judge to ask questions to define or address issues that may not be clear in the affidavit. Usually, a prosecutor is present and an appointed public defender may attend the hearing.

You usually do not need to attend a first appearance hearing; plan to attend only when the state attorney requests your appearance and your agency's policies and procedures permit your attendance. Plan to attend when there is a need to clarify or supplement the affidavit, or when you have information that was not included in the arrest affidavit. You may provide any relevant oral testimony that you believe the judge needs to determine if probable cause exists. Your agency may allow you to attend a first appearance hearing to ensure the sufficiency of the arrest affidavit. The law allows the judge to determine probable cause initially based on the arrest affidavit that the court receives.

The rules of evidence in a first appearance hearing are more relaxed, as opposed to those of a trial to determine guilt or innocence. For example, under the provisions of the hearsay rule, in the Florida Evidence Code, s. 90.802, F.S., hearsay is generally not admissible as evidence at a hearing or trial. However, hearsay is admissible in first appearance hearings that determine probable cause and bond. The first appearance hearing is not adversarial. Neither the suspect nor the defense attorney may defend the suspect's position or question an officer as a witness. The suspect may exercise

OBJECTIVES

- LE365.1.** Identify appropriate procedures to follow when providing testimony during a deposition.
- LE365.2.** Comply with agency policies and procedures regarding the read or waive option after a deposition.
- LE366.1.** Describe the officer's role in a first appearance hearing after the arrest of a suspect.
- LE366.2.** Describe the role of a bond hearing in judicial proceedings.
- LE366.3.** Describe the officer's role in a suppression hearing.
- LE366.4.** Discuss the case with appropriate agency personnel and the state attorney in preparation for giving testimony.
- LE366.5.** Describe the process and the officer's role when preparing for trial during a pretrial meeting.
- LE366.6.** Describe the process of a trial by judge or jury for an adult and a juvenile.
- LE366.7.** Describe the officer's role in a sentencing hearing.

the right to defend his or her position later in the court process, usually through pretrial motions to suppress evidence or dismiss the case.

Bond Hearing

At a first appearance hearing, there may be discussion regarding bond and special conditions of pretrial release. A bond hearing will determine if the defendant is eligible to bond out—and if so, the amount of the bond—based upon the defendant's criminal history, offense, and flight risk. The court may call upon you to provide insight into the defendant's flight risk and danger to the community. There can be further bond hearings, based on the judge's decision and the availability of resources for the defendant to bond out.

Deposition

Before trial, you may receive a subpoena or notice to give a deposition. A **deposition** is an official court proceeding in which all parties, with the exception of the defendant, provide sworn testimonies regarding the facts of the case to one of the attorneys (defense or prosecutor) prior to trial. It is the attorneys' chance to assess the case further and document your verbal testimony before a trial or hearing.

An attorney from the state attorney's office may be present during the deposition; a judge will not be. At a deposition, the attorney asks questions about the case. A court reporter, or electronic recording device, will record all responses, transcribe them, and then print them for the case file and distribution to the involved parties. Later, during a criminal trial, the defense can discredit you if your testimony changes or you provide information that differs from the deposition statement. The defense attorney can also plan a defense against any testimony provided that is detrimental to the defendant.

The defense attorney will only ask questions that are reasonably relevant and important to the case. Florida Statutes, s. 914.15, gives law enforcement officers the legal right not to answer personal questions about their spouses, children, residential address, phone number, or any information not related to the case, unless directed to by a judge.

If asked an improper question, you may answer, "Please certify the question." This requires the attorney to present the question to a judge who may decide to order an answer to the question. Often, attorneys will not seek an order for an improper question.

Do not answer questions by saying the requested information is "off the record." "**Off the record**" refers to information not recorded in an official document.

When the deposition ends, the attorney will ask if you wish to read the transcribed or typed deposition or waive the review. It is not advisable to waive the review. Although you cannot demand changes, you can point out and notify the state and defense attorneys of errors or misstatements. By reviewing and signing a copy of the deposition, you have an additional opportunity to refresh your memory before testifying at a hearing or trial.

Suppression Hearings

A **suppression hearing** occurs after the defense files a motion to suppress or to exclude certain testimony or evidence from the trial, alleging that your improper actions violated their client's rights. This hearing usually occurs before the trial but also may occur during the trial. The court will call on you to testify to

your actions related to the stop, detention, arrest, search, seizure, statements, confessions, or evidence that the defense is trying to suppress.

Pretrial Meeting

In some circuits, a state attorney will request a pretrial meeting with the victims, witnesses, and the arresting officer. Notification may come by telephone or subpoena. Before the meeting, you should thoroughly review all the available case documentation, by locating and reading case notes, investigative and violation reports, victim, witness, and suspect statements, and any supplemental reports such as FCIC/NCIC reports on victims, witnesses, and suspects. Review photographs and other physical evidence, as well as information from related cases. Discuss the case with the appropriate agency personnel, such as your supervisor, watch commander, or crime scene and evidence personnel. The purpose of the pretrial meeting is to give the state attorney an opportunity to clarify facts of the case and deal with any inconsistencies. For example, it is important to know who administered the *Miranda* warning. You might be embarrassed to learn in court that every involved officer thought another officer administered the *Miranda* warning when no one actually did.

Be prepared to discuss the who, what, where, when, how, and why facts of the case, all evidence, and any other information relevant to your involvement in and prosecution of the case. The state attorney will ask you to relate relevant details to the major facts of the case. This will include the following:

- the elements of the crime
- witness, victim, and suspect statements
- criminal history (local records, FCIC/NCIC) and past offenses (reported and unreported)
- information in the offense report and supplemental reports
- information in other agency documents such as internal affairs reports
- use of canine reports
- type and location of physical evidence
- past experience with or knowledge of the defense counsel
- past experience with or knowledge of any witnesses, the victim, or the defendant

The state attorney must know or have access to everything you know about the case. If he or she does not, then the court may suppress evidence and impose sanctions. Be familiar with all issues that could affect a successful prosecution. For example, the state attorney may discuss the admissibility of evidence and may ask you to bring evidence to trial. Chapter 90, F.S., specifically identifies what constitutes **admissible evidence**, including oral testimony. Florida Statutes defines admissible evidence as relevant evidence tending to prove or disprove an important fact, with numerous exceptions specified.

The state attorney also will want to know if you properly maintained the physical evidence through a legally defensible chain of custody and through required documentation. The prosecutor may ask how the evidence pertains to the case, who discovered and collected the evidence, and how the officer maintained the chain of custody. Identify evidence that supports or does not support the facts presented in the arrest affidavit. Never enhance facts or manufacture evidence to fill in for the missing elements of the crime.

SECTION VOCABULARY*admissible evidence**deposition**off the record**suppression hearing**trial*

The best way to minimize damage is to identify potential weaknesses in the case. To help the prosecutor effectively deal with known problems, point out any conflicting statements or problems in the documentation of evidence and the errors you or another officer may have made. Leave the pretrial conference confident that you have fully informed the state attorney and done your best job to help the attorney prepare for trial. You have a continuing obligation to keep the prosecutor informed of any developments in the case.

Know the case well enough to identify any special issues or situations that may require special arrangements, such as an interpreter, an appropriate supervisor for a child witness, and necessary accommodations for people with physical disabilities.

Trial

A *trial* is the examination of facts and related law presided over by a judge or other magistrate who has the authority or jurisdiction to hear the matter. The defendant selects a trial by judge or jury, unless the defendant is a juvenile. Juveniles are entitled to a trial by a judge, unless tried as an adult. The judge will read the statement of charges against the defendant. Each party is entitled to an opening statement. The prosecution presents the case, followed by the presentation of evidence. The defendant can present a case, follow with a possible rebuttal of evidence, and then finish with a final statement. If it is a jury trial, the jury will receive instructions and decide the verdict. If there is no jury, the judge will render judgment.

Sentencing Hearing

Most often, a sentencing hearing occurs after a trial. A sentencing hearing can occur before a trial if the defendant accepts a plea. If during a trial, the defendant accepts a plea, a sentencing hearing will occur after a review of the defendant's previous convictions. The state attorney's office may request that you attend a sentencing hearing.

At a sentencing hearing, both the defense and the prosecution have an opportunity to present evidence and testimony to recommend an appropriate sentence to the judge. The victim also has the right to make a victim impact statement. Your role is to provide the court with a complete picture of the defendant's actions, and the impact on the victim and society.

UNIT 3 | COURT PROCEDURES

LESSON 2 | Giving Testimony

LESSON GOAL: At the end of this lesson, you should understand how to prepare for and give testimony in the courtroom to include cross-examination tactics.

Preparing for Testimony

To prepare for a court proceeding, such as a deposition, hearing, or trial, focus on the reports that you created and the professional activity related to the case. If your role is the primary officer or investigator, complete a broad review of all reports, evidence, and information used in making the decision to arrest and in supporting the prosecution. Obtain copies of all case reports for the court proceeding from the records section or the designated personnel in your agency. Review the case file, including all supplemental reports, photos, and information of the evidence and chain of custody, and be prepared to answer questions on all relevant facts.

Discuss the case with the state attorney's office to identify and understand areas of weakness relevant to testimony and to clarify any concerns the state attorney may have. Identify witness information from offense reports, supplemental reports, and statement forms and give it to the state attorney's office. Thoroughly prepare for questioning by reviewing the reports or case notes. Be prepared to testify from memory, only using reports for specific details and after requesting permission to refer to them. The court can use case documentation to identify correct and credible answers. Assume that the defense counsel knows everything you know. With full preparation, you can meet your legal and ethical obligations to give the important facts about a case as the state attorney or defense attorney begins the line of questioning.

Giving Testimony

Giving testimony may take place in an attorney's office, in the judge's chambers, or on the witness stand. To provide effective testimony, follow some general guidelines. If you are to appear at a trial or hearing before or after a shift, look professional and dress in uniform.

Remove objects, such as keys and loose change, from your person that may cause distractions, and turn off beepers, radios, and cellular phones. Follow agency policies and procedures regarding appropriate dress for a court appearance. How you prepare for and present yourself can affect the success of testimony given at a deposition, hearing, or trial.

OBJECTIVES

LE366.8. Review case notes, reports, photographs, and evidence prior to giving testimony.

LE366.9. Identify procedures to follow when providing testimony during a court proceeding.

LE366.10. Check in with prosecutors upon arriving at court and follow instructions.

LE366.11. Answer each question clearly, completely, and truthfully without volunteering any statement that the defense does not request.

LE366.12. Describe courtroom terminology and procedures when testifying in a court proceeding.

Checking in with the prosecuting attorney and following the attorney's instructions gives you and the state attorney time to address last-minute concerns. A state attorney usually has a large docket of cases and goes from one case to another every day. The state or prosecuting attorney may ask you to go over relevant details and major facts one more time. Never take a case lightly.

- Always prepare the same way.
- Review case documentation.
- Discuss the case with the state attorney.
- Follow the guidelines for giving an effective testimony.

When applicable, a judge might forbid all witnesses from discussing any aspect of a case with anyone but the involved attorneys. Florida Statutes, s. 90.616, addresses the **rule of sequestration**, which states that you must follow the judges' orders completely when he or she invokes the rule. You must not be in the courtroom when other witnesses are giving testimony.

Violating the rule of sequestration may mean the judge will penalize or punish the witness. The judge may instruct the jury to disregard the testimony of the witness or strike it from the record. The judge could even declare a mistrial. Whether or not the judge invokes the rule, you must never communicate with a juror or known potential juror, except as directed by the court. If you observe a possible violation, report it immediately to the courtroom bailiff or the presiding judge.

Before testifying, you will take an oath or make an affirmation that the testimony you are going to give is the truth. The method is generally the same regardless of where the testimony is given or who administers the oath or affirmation to the officer. Typically, the clerk of the court, a court reporter, the judge, or another designated court personnel will ask you to raise your right hand and then ask, "Do you swear or affirm to tell the truth and nothing but the truth?" In a firm and nondramatic way, answer, "I do," while standing or sitting straight and looking at and listening attentively to the person administering the oath. You are now required to testify truthfully.

Look directly at the attorney or judge and listen carefully to the questions that he or she asks. When an attorney or judge asks questions, pause before answering to collect your thoughts. Make sure you understand the questions and that you answer them accurately, clearly, and completely. If necessary, you can state that you do not understand a question or you can ask the judge or attorney to clarify or repeat the question. Never volunteer unsolicited information; only answer the question asked. Never answer with a guess. It is acceptable to say, "I don't know," when necessary. The judge may permit you to explain why you do not know. Resist the urge to fill silence with unsolicited testimony. After answering a question, resist the urge to fill the pause after your answer with extra information.

Avoid suggestions or peer pressure to enhance your testimony and strengthen a case. You are subject to perjury laws. Do not alter your answer to match someone else's answer, even if it means giving testimony that contradicts that of another officer. Because a court reporter is documenting what people in the courtroom are saying, the court can use early testimony to impeach you later in the court process. Testifying truthfully and accurately keeps testimony consistent, makes it effective and credible, and keeps you out of trouble.

The appearance of prejudice destroys credibility. Avoid showing biases and prejudices. Always use plain, professional terminology, not slang or police jargon.

For example, do not describe an urban community as “the ghetto” or call a government-assisted neighborhood “the projects.” Avoid derogatory statements, sarcasm, witty comments, or ridicule, all of which are unprofessional. Be expressive, and avoid speaking in a monotone manner while narrating incidents in chronological order. Use of military time is appropriate, but be prepared to convert times to a.m. or p.m. Be courteous and use proper titles such as “your Honor,” “ma’am,” and “sir.” Face the judge while responding to questions and face the jury when responding to the prosecutor or the defense counsel. Never address or refer to the defense counsel as a public defender. Doing so can cause a mistrial, as it may make the jury aware that the defendant cannot afford other representation.

Always use good posture, be attentive, and place your hands on your knees or the arms of the chair and never over your mouth. Convey confidence, not arrogance or evasion, and avoid fidgeting or showing other signs of nervousness.

Just as with a deposition, lawyers may occasionally ask improper questions. Maintain the same demeanor for the defense attorney and the state attorney; do not change your attitude when responding to the opposing counsel’s questions just because the counsel is an opponent. Occasionally, challenging your credibility is the opposing counsel’s job and is usually not personal.

If you or a close relative is the victim of a crime, you may feel a need to ensure the “proper” prosecution of all defendants. However, it is necessary to avoid allowing personal experiences and beliefs to affect the ability to be fair and objective. This principle also applies to cultural, ethnic, and gender issues. Avoid displaying extraordinary interest in the case. Display interest of a professional nature, not a personal one.

The court will record the testimony. All answers to relevant questions are for the record. Your job is to provide an accurate and complete testimony of the available facts, not to steer the case.

Objectionable Questions

Once someone makes an objection, the judge will either sustain or overrule it. Upon hearing an objection, you must stop speaking until the judge rules. If the judge sustains the objection, the witness may not answer the question. If the objection is overruled, the witness must answer the question.

There are several types of objectionable questions. One type calls for someone to make a conclusion. Answering this type of question requires you to make a decision on an issue, which is the job of the jury or judge (Example: “Based on your knowledge of the facts of this incident, would you say that Mr. and Mrs. Hernandez have a violent relationship?”). Irrelevant questions may prompt you to give answers that have no direct relation to or bearing on the facts (Example: “Officer, are you married?”). Some questions go beyond the proper scope of questioning, having nothing to do with the case, and go beyond basic testimony and issues during testimony before cross-examination (Example: “Do you arrest more men than women?”).

Cross-Examination Tactics

Attorneys may use a variety of tactics during a criminal trial to discredit, misrepresent, or confuse the officer giving testimony. Be aware of this and go into court with basic techniques to overcome those tactics.

A defense counsel may use condescension to give the impression that you are inept, unreliable, or lacking in confidence.

Question: “You mean to tell this court and jury you have made only one prior arrest. Is it true you had been a sworn officer for only three months when you arrested Mr. Hernandez?”

Technique: Convey professionalism, knowledge, and confidence and give firm, decisive answers. If necessary, the state attorney will ask appropriate follow-up questions.

A defense counsel may be belligerent or badger you in order to cause you to become angry, which can affect logic and calmness and reveal your temperament.

Question: “I have asked this question three different times in three different ways. What do you not understand?”

Technique: Pause, stay calm, remember the defense counsel’s motive, and speak deliberately.

A defense counsel may fire questions at you in quick succession, giving you no time to think about or answer the question properly. The attorney hopes to confuse you into giving inconsistent answers.

Question: “Did you actually see Mr. Hernandez hit his wife? How do you know what really happened? Where was Mrs. Hernandez in relation to Mr. Hernandez when you first arrived?”

Technique: Ask the attorney to repeat the questions one at a time and take time to consider each question one question at a time, while speaking deliberately and remaining calm.

To get as much information as possible and to lull you into a false sense of security, a defense counsel may try to build rapport to create answers that favor the defense. The defense attorney may also try to lead you to state that you are an expert when that is not the case.

Question: “I did not realize you knew so much about domestic violence. Do you consider yourself an expert on the subject? You should!”

Technique: It is necessary to stay alert and control your ego. Focus on the facts of the case, and do not let the attorney’s statements become confusing or distracting.

By mispronouncing your name, forgetting your title, or verbally demoting you, the opposing attorney implies that you are of little significance. The attorney wants you to lose concentration and focus on the error, not the question.

Technique: The first time that the opposing counsel uses the wrong name, title, or rank, politely correct him or her. If the counsel persists, ignore the behavior and focus on the question.

The opposing attorney may draw a conclusion, make an assumption, or suggest a response and then ask you if that conclusion, assumption, or response is your answer. The goal is to confuse or mislead you.

Question: “Your entire testimony here today actually points to Mrs. Hernandez as the aggressor, correct?”

Technique: Correct factual inaccuracies and avoid allowing the attorney to lead them to incorrect conclusions. By concentrating carefully on the facts and answering the question accurately without expressing opinions, the defense attorney cannot succeed in baiting you.

Demanding a “yes” or “no” answer to a question that needs explanation prevents the judge or jury from considering pertinent facts and mitigating details.

Question: “Did you see the gun in the defendant’s hand or not? Yes or no?”

Technique: Qualify your answer by saying that you cannot answer, “yes” or “no,” then give the facts and details such as saying “I cannot tell you yes or no. All I can tell you is that I saw a small shiny object in the defendant’s left hand.”

The defense attorney may reverse or rephrase your words intending to confuse and attempting to convince the jury that you lack confidence in your own statement.

Question: “Where did you see them in relation to the car?”

Officer: “They stood toward the front.”

Question: “So they were standing at the front bumper?”

Officer: “They stood between the tire and front door.”

Question: “But you just told us they were near the front of the car, right?”

Technique: It is necessary to pay attention to what the counsel asks—pause and avoid agreeing to misstatements. Always listen intently whenever counsel repeats an answer, remember what he or she said, and correct any error counsel made in restating the answer.

A defense attorney may repeat and rephrase questions, hoping you will give inconsistent or conflicting answers.

Question: “Was the defendant riding a green or red bicycle?”

Officer: “It was blue.”

Question: “Was she riding in the dark?”

Officer: “Yes.”

Question: “Could it have been green, blue-green, or black?”

Officer: “I already answered.”

SECTION VOCABULARY

rule of sequestration

CHAPTER 9

Critical Incidents

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Officers must be prepared to address many situations in the course of patrolling their assigned areas. This chapter provides an overview of law enforcement techniques and tactics employed in confronting large-scale or critical incidents.

One of the techniques used to maintain organization and complete response objectives is the Incident Command System (ICS). ICS is a standardized, on-scene, all-hazards approach to incident management that integrates the operation of facilities, equipment, personnel, procedures, and communications under a common organizational structure.

There are many types of large-scale situations that an officer may encounter in relation to critical incidents. These include active shooters, natural disasters, hazardous materials exposure, explosive devices, and weapons of mass destruction.

UNIT 1 | INCIDENT COMMAND SYSTEM (ICS)

LESSON 1 | Incident Command System (ICS)

OBJECTIVES

- LE674.1.** Complete the two National Incident Management System online modules regarding Incident Command System training with a passing score.
- LE674.2.** List the basic steps a law enforcement officer follows as the first responder to an ICS event.
- LE674.3.** Describe the basic protocol for a law enforcement officer when responding to an ongoing ICS situation.

LESSON GOAL: At the end of this lesson, you will complete the online training and pass the online evaluation.

The incident command chapter provided by the National Incident Management System (NIMS) is on the Federal Emergency Management Agency (FEMA) website: www.fema.gov. This course is taught through two units: Unit 1, IS-100.LE.b Introduction to the Incident Command System and Unit 2, IS-700.a National Incident Management System (NIMS), An Introduction. Recruits will use the NIMS website to access these units and pass an online evaluation.

Law enforcement and other public safety organizations use ICS to deal with many different types of large-scale incidents. ICS has helped officers throughout Florida and the nation handle situations such as large vehicle crashes, hurricanes, wildfires, and large political gatherings.

When acting as part of the initial response to a large-scale incident, officers should obtain necessary information from dispatch and immediately:

- Identify the type of incident or threat.
- Determine the appropriate personal protective equipment.
- Establish the ICS.
- Set up a command post.
- Determine the resources needed, including the assistance of other agencies.
- Determine whether to shelter-in-place or evacuate (with evacuation routes and collection points).

Be prepared to expand the ICS as needed.

For ongoing situations in which ICS has already been established, such as hurricanes or wildfires, officers will receive particular assignments and attend regular briefings. Personnel not on scene or working in a command post depend on the responding officers to provide regular updates as events develop. Communication should be conducted in plain language as different agencies may use different radio codes. Most incidents require some degree of debriefing or documentation when they are over. These will vary depending on the situation.

UNIT 2 | CRITICAL INCIDENT OVERVIEW

LESSON 1 | Active Shooter

LESSON GOAL: At the end of this lesson, you will recognize the factors that motivate an active shooter and will know how to respond to an active shooter situation.

The FBI defines an **active shooter** as one or more individuals participating in a random or systematic killing spree demonstrating their intent to harm others with a firearm. An active shooter's objective is that of mass murder, rather than committing traditional criminal acts, such as robbery or hostage-taking.

Within the past 20 years, hundreds of active shooter attacks have occurred across the U.S., and the threat of such violent incidents remains a primary concern for all law enforcement officers. As with many other types of critical incidents, agency policies and response protocols for addressing an active shooter event vary.

Active shooter attacks are dynamic incidents that vary greatly. Approximately 95 percent of active shooters have historically been males and typically work alone. Active shooter incidents happen in the workplace nearly twice as often as in schools but can occur anywhere. Common active shooter motivations include workplace retaliation, domestic disputes, and retaliation by a current or former student.

Certain traits are common to active shooters. The subject may be socially isolated, have feelings of hate and anger, or have a history of mental health problems. Very few active shooters have had previous arrests for violent crimes, making it difficult to identify the subject before they act.

Common catalysts or triggers for active shooters include loss of significant relationships, changes in financial status or loss of or termination from a job, changes in living arrangements, major adverse changes to life circumstances, and being the victim of bullying or feelings of humiliation or rejection. Many active shooters express their intent to harm others through social media posts, journal writings, and through statements made to others.

When confronted with an active shooter incident an officer may encounter a chaotic situation with large numbers of injured people, fleeing crowds, and secondary hazards such as improvised explosive devices.

The main objective of a law enforcement response to an active shooter incident has changed since the attacks at Columbine High School in 1999.

Previous response options revolved around containing a threat and awaiting the arrival of SWAT teams. Current tactics focus on immediately locating the shooter and neutralizing the threat before assisting the injured. Officers should follow agency policies and tactical training when responding to active shooter or in-progress shootings.

OBJECTIVES

LE814.1. Explain the nature of an active shooter incident, to include the location and characteristics typically associated with the shooter.

LE814.2. Explain the catalysts that may drive an individual to become an active shooter.

LE814.3. List the warning signs that an individual may be planning an active shooting event.

LE814.4. Distinguish current practice from past methods used by law enforcement to resolve an active shooter incident.

SECTION VOCABULARY

active shooter

UNIT 2 | CRITICAL INCIDENT OVERVIEW

LESSON 2 | Natural Disasters

OBJECTIVES

LE812.1. List the actions an officer should take prior to the onset of a natural disaster when advance notice is received.

LE812.2. Describe the duties that an officer may be assigned in preparation for and during a natural disaster.

LE812.3. Describe the duties that an officer may be expected to perform in the aftermath of a natural disaster.

LESSON GOAL: At the end of this lesson, you will know standard preparations for a natural disaster and the types of duties you may be expected to perform before, during, and after a natural disaster.

Florida's natural geography makes it prone to certain types of environmental disasters, particularly hurricanes, tornadoes, floods, and wildfires. Law enforcement officers are often called upon to assist in these situations.

Have a plan in place for family members and animals regarding the event of a natural disaster. Planning and preparedness helps you concentrate on your assigned duties without being distracted or worried about the well-being of your family.

Be sure that you have prepared a travel and safety kit. A general rule is to include basic supplies needed for a 48-hour period. Supplies should include an extra uniform and change of clothes, batteries, food, water, and medication if needed.

The basic response to natural disasters may vary with agency policy; however, certain law enforcement functions are relatively standard. Prior to the onset of a natural disaster, police assignments include facilitating evacuations and providing traffic control and direction.

In the immediate aftermath of a natural disaster, the focus of law enforcement shifts from evacuation to search and rescue, security of shelters and distribution centers, and protection of property.

UNIT 2 | CRITICAL INCIDENT OVERVIEW

LESSON 3 | Response to Weapons Of Mass Destruction and CBRNE

LESSON GOAL: At the end of this lesson, you will recognize the common types of WMD and understand the unique dangers posed in a hazmat incident. You will know the responsibilities of an awareness level responder in a hazardous materials situation.

The increase in domestic terrorist activity means that law enforcement officers should be prepared to handle incidents involving weapons of mass destruction (WMD). The Oklahoma City bombing, attacks on the World Trade Center, anthrax incidents, letters containing ricin, and the Boston Marathon bombing have made terrorism a realistic concern for law enforcement. Terrorists use weapons of mass destruction on civilians as a primary means of achieving their goals.

As first responders, officers are usually trained to quickly enter the scene and help victims as soon as possible. This traditional law enforcement response and rescue approach will not work for WMD incidents. Rushing into a chemical, biological, or explosive scene could result in the first responder's death or the death of additional victims. Although every critical incident is different, the same basic steps can be used for each.

Weapons of Mass Destruction

Section 790.166, F.S., defines weapons of mass destruction as:

The manufacture, possession, sale, delivery, display, use, or attempted or threatened use of a weapon of mass destruction or hoax weapon of mass destruction is prohibited;

(1) As used in this section, the term:

(a) "Weapon of mass destruction" means:

1. Any device or object that is designed or intended to cause death or serious bodily injury to any human or animal, or severe emotional or mental harm to any human, through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors;
2. Any device or object involving a biological agent;
3. Any device or object that is designed or intended to release radiation or radioactivity at a level dangerous to human or animal life; or
4. Any biological agent, toxin, vector, or delivery system.

It is a first-degree felony to unlawfully manufacture, possess, sell, deliver, send, mail, display, use, threaten to use, attempt to use, conspire to use, or make readily accessible to others a "weapon of mass destruction" under s. 790.166, F.S.

OBJECTIVES

LE776.1. Explain the need for cautionary action in responding to an act of terrorism.

LE776.2. Explain weapons of mass destruction as defined in the Florida Statutes.

LE776.3. Identify the importance of recognizing potential terrorist activity through proactive patrol.

LE776.4. List the categories of weapons of mass destruction as identified in the CBRNE classification system.

LE776.5. Identify the role of the first responder at the awareness level when responding to a CBRNE or WMD incident.

LE776.6. Compare the levels of training for a safe CBRNE or WMD response.

LE776.7. Explain the four goals of response on the awareness level to a CBRNE or WMD incident.

Under s. 790.166, F.S., it is a second-degree felony to unlawfully manufacture, possess, sell, deliver, mail, send, display, use, threaten to use, attempt to use, conspire to use, or make readily accessible to others a “hoax weapon of mass destruction,” which is defined as any device or object that by its design, construction, content, or characteristics appears to be, or is falsely represented to be, an actual weapon of mass destruction. It is a second-degree felony for a person to make a false report concerning the placing or planting of a weapon of mass destruction under s. 790.163, F.S.

Primary locations for WMD attacks include high impact targets and often focus on heavily frequented locations. Examples include airports, subways, schools, places of worship, government buildings, or large public gatherings such as fairs, festivals, or sporting events.

WMD include weapons that could release biological contamination, toxic chemical agents, incendiary fires, and conventional explosives. Each type of WMD is unique because of the scope of death and destruction it may cause, the insidious nature of the weapon, and the personal danger to first responders.

Historically, terrorists conduct pre-operational surveillance before executing an attack. This surveillance can take many forms, such as videotaping a potential target location, sketching floor plans, photographing structural features, and taking notes on security measures. Potential terrorists have previously studied and recorded law enforcement responses to false alarms or other calls for service in order to develop plans to target first responders.

Officers must always be familiar with their patrol area and note any signs which might indicate a possible threat. Proactively patrol potential target areas within your patrol zone for suspicious activities and investigate suspicious circumstances. For example, watch for strange chemical canisters or drums left abandoned in an empty field or ditch which might indicate a chemical or biological hazard. Many terrorist plots have been interrupted or thwarted through traffic stops and other proactive patrol techniques.

CBRNE

In a critical incident officers must be able to identify the type of threat. **CBRNE** is an acronym commonly used to identify types of hazards that an officer may face either as part of an accidental release or intentional use of a weapon of mass destruction. CBRNE stands for:

- Chemical
- Biological
- Radiological
- Nuclear
- Explosives

WMD and CBRNE Responses

Levels of Training

Law enforcement officers are likely to be the first to arrive at the scene of an emergency involving weapons of mass destruction or hazardous materials. There are five levels of training for response to hazardous materials.

Awareness Role First responders at the awareness level have been trained to initiate the emergency response sequence and notify authorities of the situation. They take no further action beyond notifying the authorities of the release.

Operational Role At this level responders take defensive action to protect nearby people, property, or the environment from the effects of the release. They are trained to respond in a defensive fashion without actually trying to stop the release. Their function is to contain the release from a safe distance, keep it from spreading, and prevent exposures.

Hazardous Materials Technician These responders take offensive action to control a spill or leak. They assume a more aggressive role than a first responder at the operations level in that they will approach the point of release in order to plug, patch or otherwise stop the release of a hazardous substance.

Hazardous Materials Specialist Specialists have the expert knowledge to support the hazardous materials technician, but their duties require a more directed or specific knowledge of the various substances they may be called upon to contain. The specialist also acts as the site liaison with federal, state, local and other government authorities in regard to site activities.

Hazardous Materials Incident Commander These individuals assume command of the incident above the level of the first responder; they are trained to implement the employer's emergency response plan. Incident commanders understand the hazards and risks of employees working in chemical protective clothing, know how to implement local, state, and federal emergency response plans, and understand the importance of decontamination procedures.

Immediate Actions

Approach the incident cautiously from an upwind, uphill, and upstream position until you can safely identify and assess the CBRNE situation.

Patrol officers are typically trained to respond at the awareness level and have only four responsibilities or goals, sometimes abbreviated as RIP-NOT.

- Recognition and identification
- Isolation
- Protection
- NOTification

Recognition and Identification

Officers must be able to *recognize* that an incident involves WMD or hazardous materials and, if possible, *identify* the materials involved. Every effort to avoid exposure should be made. Most materials can be identified from a safe distance.

Isolation

Isolation is the ability to deny or restrict access to the involved area and remove uninjured and uncontaminated people from that area. All people should be instructed to move to an area upwind, uphill, and upstream from the contaminated area to a secure position. Contaminated and uncontaminated people should be kept separated to avoid the spread of contamination. These areas are called ***victim collection points*** (VCPs) and can be designated once a preliminary perimeter has been established. The VCPs allow EMTs to easily differentiate between those who need medical treatment and those who require decontamination.

Protection and Securing the Scene

Protection involves ensuring the safety of the officer and the public through personal protective equipment and the evacuation of nearby structures.

Officers should secure the scene in order to isolate exposed victims and the contaminated area. Tactics include monitoring entry to the scene, assuring public protection by evacuating or protecting an area, confining and containing all contaminated victims, determining if the scene is or can be made safe for operations, protecting the scene and any evidence, and coordinating with other agencies to provide security and control perimeters.

When securing the scene, priority should be given to preventing additional people from entering the area rather than preventing victims from exiting. In order to avoid the spread of contamination, contaminated people should be evacuated to the VCP and be discouraged from entering vehicles, leaving the scene, or transporting themselves to a hospital.

Attempting to stop panicked people from leaving the site could place an officer in personal danger. Avoid physical contact with potentially contaminated people and direct those individuals to a VCP where decontamination can occur. In some instances, the use of force to detain a contaminated person may be necessary. Strongly encourage witnesses to remain in a safe area at the scene so that investigators can question them. If they refuse, try to obtain their contact information for the investigators.

Notification and Communication

The fourth level is *notification*, in which the first responder informs the next level of responder as defined in the agency's Emergency Response Plan. The officer should maintain continuous communication with dispatch as the event unfolds. This ensures the proper resources are deployed.

An ***Emergency Response Plan*** (ERP) is defined as a written plan that describes the actions that an organization would take in response to various major events. An agency ERP establishes safe and uniform guidelines for response to incidents involving hazardous materials or weapons of mass destruction. Its goals are to protect the public and secure the scene while safeguarding responders. Officers should be familiar with agency ERPs to respond properly to hazardous material situations.

If you are the first on the scene of a CBRNE incident, relay information to responding units. Your responsibilities might include notifying and updating other units as the incident develops, establishing the initial perimeter, and communicating with dispatch as the incident unfolds. Tell dispatch about any substances involved, the number of exposed victims, and, if known, what type of vehicle, container, or device is involved. You could also be responsible for setting up an Incident Command post and directing EMS to the contaminated and non-contaminated victims. Additionally, brief your supervisor on the situation and relinquish control to the supervisor or to the Incident Commander.

Your first responsibility in a CBRNE situation is to protect yourself; your secondary responsibility is to protect other people and property. An incapacitated officer only elevates the seriousness of the situation. Law enforcement should consider civilian safety by determining victims' mobility and the degree to which they have been exposed to materials. Are they ambulatory? Are they contaminated? After these questions are answered, emergency responders can decide whether to evacuate victims or protect them on site by sheltering in place. ***Shelter-in-place*** is defined as taking immediate shelter in a readily accessible location or remaining inside a structure to prevent exposure to a dangerous situation that exists outside of the structure.

SECTION VOCABULARY

CBRNE

Emergency Response Plan (ERP)

shelter-in-place

victim collection points (VCP)

UNIT 3 | CHEMICAL AND HAZARDOUS MATERIALS

LESSON 1 | Response to Hazardous Materials Incidents

OBJECTIVES

- LE294.1.** Define a hazardous material as identified by the Occupational Safety and Health Administration.
- LE294.2.** Explain the nine classes of hazardous materials identified by the U.S. Department of Transportation.
- LE294.3.** Describe the design and color codes of the NFPA's 704 marking system.
- LE294.4.** Explain the primary methods that a law enforcement officer can use to detect the presence of a hazardous material.
- LE294.5.** Distinguish high risk from low risk senses in the identification of a hazardous material.
- LE294.6.** Describe basic protective actions a law enforcement officer should take when dealing with a hazardous materials incident.
- LE294.7.** Identify the resources available to help an officer make sound decisions regarding a hazardous materials response.
- LE294.8.** Interpret hazmat placards and NFPA diamonds using the *ERG* to identify a hazardous substance class, name, or identification number.
- LE294.9.** Identify the correct response provided in the *ERG* when safely responding to a hazmat scene.

LESSON GOAL: At the end of this lesson, you will know how to identify a hazardous material using the *Emergency Response Guidebook*, coded signage, and other indicators. You will know basic protective actions for personal and public safety.

The U.S. Occupational Safety and Health Administration defines a **hazardous material** (hazmat) as any substance or material that when released may cause harm, serious injury, or death to humans or animals, or harm the environment. CBRNE chemical threats include both industrial chemical hazards as well as weaponized chemical hazards. Industrial chemical hazards are typically encountered in hazardous materials release incidents, such as accidents involving tanker or semi-trucks, railroad cars, gasoline stations, and manufacturing plants, whereas weaponized chemical hazards are usually associated with acts of terrorism or war.

A law enforcement officer is expected to render assistance in a hazmat situation. Numerous laws, regulations, and standards influence an officer's actions at a hazardous materials incident. The level of competency expected or required during the performance of this duty is called the **standard of care**. While public safety employees have this duty to act, responders should not exceed the level of their training and equipment in responding to an incident.

Identifying Hazardous Materials

In order to make accurate decisions, it is essential that the officer identify the type of hazardous material involved, but the officer should never put him- or herself at risk in the process.

To identify the material, officers may have to examine documents/shipping papers or conduct interviews with the transport driver or facility staff. Employees, vehicle drivers, and bystanders may be able to identify the product. If the officer cannot identify the material's specific name, he or she should make safety decisions as an awareness-level responder based on minimizing potential health hazards. The officer should rely on agency policies and procedures to avoid risk to people and property.

Methods of Establishing the Presence of Hazardous Materials *Occupancy and Location*

Occupancy refers to a structure and its use; some examples are manufacturing facilities, storage facilities, retail establishments, and residences. Knowing what type of building they are entering helps officers anticipate what hazardous materials may be present.

If the type of occupancy is unknown or cannot be verified, assume that hazardous materials may be present. Location refers to an area and its use, for example, industrial parks, business districts, agricultural areas, and residential neighborhoods. Details such as traffic patterns, time of day, inhabitants, and type of location may affect the first responder's reaction to a potential hazard.

Container Shape and Size

The shape of the container involved in the hazmat incident can provide useful information regarding the type of hazard involved. The main types include portable containers, fixed containers, and transportation containers. There is usually a direct correlation between the size of the container and the size of the affected geographical area. Containers that store contents under pressure, such as propane or oxygen tanks, can present additional hazards, like explosions and vapor releases.

Placards and Labels

Certain regulations govern the use of placards or labels on vehicles and facilities that store hazardous materials. The U.S. Department of Transportation (DOT) requires most vehicles transporting hazardous materials to display placards that describe the class of hazardous materials on board. These appear on all four sides of a vehicle, railcar, or other large container, and on the individual packages of the material. Under special circumstances, the DOT may not require placards.

Anything that holds two or more classes of hazardous materials must display the “DANGEROUS” placard and may use it instead of the specific placard for each class of material. The classification and amount of hazardous materials being transported restrict the use of this placard. Materials such as explosives and toxic gases cannot use the “DANGEROUS” placard.

Other regulations, such as local ordinances, require commercial facilities to display other symbols that describe the type of hazardous materials on site. The Environmental Protection Agency requires all pesticides and some other chemical substances to display warning labels on the exterior of the container to provide awareness of the harmful contents.

Be mindful that the absence of a placard, label, or other warning does not mean that hazardous materials are not present.

Classes of Hazardous Materials

There are nine common classes of hazardous materials as defined by the DOT.

Class 1: explosives

Explosives are materials or devices designed to release energy very rapidly. Emergency responders should consider all explosives to be extreme hazards when they are involved in or near a fire. Some examples of explosive materials are dynamite, black powder, and small arms ammunition.

LE294.10. Secure a hazmat scene by establishing an evacuation zone, access points, and/or a perimeter to minimize exposure.

LE294.11. Describe the three common steps required in the termination process of a hazmat incident.

Class 2: gases

Gases are materials that are neither solid nor liquid at ordinary temperatures; they are contained under pressure. They may be flammable, non-flammable, poisonous, or corrosive. Some examples of potentially hazardous gases are acetylene, hydrogen, and anhydrous ammonia.

Class 3: flammable liquids (and combustible liquids)

These materials burn in the presence of an ignition source. Some examples are gasoline, diesel fuel, and acetone.

Class 4: flammable solids

These materials are neither liquid nor gas and burn in the presence of an ignition source. Some ignite spontaneously or in the presence of heat or friction. Others are dangerous when wet. Some examples are magnesium, sulfur, and calcium carbide.

Class 5: oxidizers and organic peroxides

These materials may cause spontaneous combustion or increase the intensity of a fire. Examples include bromine or calcium hypochlorite (bleach).

Class 6: toxic materials and infectious substance.

This includes medical waste and biological hazards.

Class 7: radioactive substances

This category includes nuclear waste, radioactive medical materials, and X-ray equipment.

Class 8: corrosive substances

Materials in this category include acids, solvents, or other materials that may cause irreversible damage to human tissues.

Class 9: miscellaneous dangerous goods

Not belonging to Classes 1–8, these hazardous materials are subject to DOT regulations on transportation. Some examples are molten sulfur, PCBs (poly-chlorinated biphenyls), and hazardous waste.

Shipping Papers and Facility Documents

Commercial vehicle operators are required to carry documents that list the contents of their shipment. These documents are commonly referred to as shipping papers and serve as a valuable resource to help first responders identify the materials involved as well as the associated hazards and protective measures if exposures occur.

Facility documents are required by law in many areas and outline the type of hazardous materials stored or manufactured on site. One example of a facility document is the Material Safety Data Sheet (MSDS). MSDS are required to be displayed in facilities where a hazardous substance is stored, manufactured, or used in the workplace. Other facility documents include the employer's Emergency Response Plan.

Colors and Markings

Colors of placards and labels also help identify a material's hazard classification. Company names and other unique markings may indicate the presence of hazardous materials. Familiarity with the users and suppliers of hazardous materials in the community can be helpful in a hazmat situation.

NFPA 704 DIAMONDS

The National Fire Protection Association (NFPA) has developed a standard facility marking system called the 704 system. Placed on structures or storage facilities' exteriors, this large symbol indicates products stored. The diamond-shaped symbol is divided into four segments that indicate the following risks:

- **Blue:** Health hazards
- **Red:** Flammability hazards
- **Yellow:** Reactivity
- **White:** other (provides information on any special hazards of the material)

In each area, a number from 0 to 4 indicates the material's relative hazard with 0 indicating no hazard and 4 indicating the highest hazard.

Human Senses

Identifying a hazardous material through the human senses may place you at an unacceptable risk for exposure.

Sight and sound are considered "low risk" and can help officers identify a hazmat from a safe distance. Officers use these senses to pay attention for:

- pressure release
- smoke and/or fire
- liquids, gas leaks, or vapor cloud
- condensation on pipelines or containers
- chemical reactions
- mass casualties

Smell, touch, and taste are considered "high risk" and should never be used to identify a hazardous material.

Basic Protective Actions

Only a properly equipped and trained officer should approach any potential hazmat situation, always using extreme caution. If you cannot approach from upwind, your next choice is crosswind. The main objectives are to isolate the area without entering it, keep people away from the scene, and ensure people are upwind and out of low-lying areas.

Prevent direct contamination by avoiding contact with the product and its gases, vapors, or smoke. Also prevent secondary contamination resulting from contact with items or people who have not been properly decontaminated. Do not allow anyone or anything to leave the area without evaluation for decontamination by properly protected qualified personnel.

The ***Emergency Response Guidebook***

The sound decisions that first responders make during the first critical minutes of hazmat incidents greatly increase chances of survival. Resources that help an officer make sound decisions include the agency's ERP and standard operating procedures (SOP), and the ***Emergency Response Guidebook (ERG)***. The guidebook's purpose is to aid in the identification of materials, outline basic actions for first responders, recommend areas of protective action, and give responders an initial safety plan.

The *ERG* is composed of color-coded sections. The blue and yellow sections help the officer identify the material while the orange section provides response guidelines related to Potential Hazards, Public Safety, and Emergency Response.

DOT has established the United Nations/North American (UN/NA) four-digit numbering system to identify materials. An officer may be able to identify a material using the *ERG* by finding any one of the following:

- the four digit number on the placard or orange panel on the container
- the name of the material on the shipping papers or packaging
- the number of the material on the shipping papers or packaging

Potential Hazards

This section describes potential hazards that the material may display in terms of fire/explosion and health effects upon exposure. Consult this section first.

Public Safety

The Public Safety section contains information on notification, protective clothing, and evacuation. The notification subsection identifies what officers must do immediately when called to a scene, such as activate agency emergency response plans and ensure help is on the way. Additional information can be gained from calling the emergency contact number on the shipping papers or the emergency response telephone numbers listed inside the guide's back cover. Advise other responders of incident conditions, materials involved, the amount of materials, safe approach information, guide page to use, needed resources, and any actions taken. The protective clothing subsection indicates when and if responders need specialized chemical protection. Protective clothing requires proper training to use. Most agencies do not furnish protective clothing to patrol officers.

After an officer isolates the immediate danger area, the next step is to evacuate or protect people in the downwind hazard area or within the radius of the incident. This distance can be very large depending upon the type of materials and whether the material was spilled or involved in a fire. The evacuation subsection also gives information about how far people should stay from a spill, also known as the ***protective action distance***. If the material's entry in the index is highlighted, the officer should consult the Table of Initial Isolation and Protective Action Distances. An officer can establish an Initial Isolation Zone and then a Protective Action Zone to prevent people from being exposed in a downwind hazard area.

Evacuate the area if the incident is going to last for an extended period or could potentially cause a fire or explosion. Since the evacuation process may be difficult (for example, due to dense population or the presence of a school or hospital) or expose people to greater hazards than remaining in the area would, rely on agency policy for guidance.

Fire creates the potential for an explosion or a boiling liquid expanding vapor explosion (BLEVE). The *ERG* gives in-depth information about protective action distances. Recommendations depend on the spill's size, weather conditions, and time of day. Geographical conditions can also affect the distribution of any hazardous materials.

Emergency Response

This section has three subsections: Fire; Spill or Leak; and First Aid. The fire subsection provides guidelines to all levels of responders. Awareness-level responders must not attempt to extinguish a fire that involves hazardous materials. Normal fire extinguisher training is not sufficient to fight a fire that directly involves hazardous materials. Only properly trained and protected people should attempt to fight such a fire. Operational-level personnel with the necessary protection and training can accomplish defensive fire attack. Technician-level personnel must conduct an offensive fire attack.

Personnel engaged in controlling spills and leaks must have proper protection and training. Awareness-level responders are not usually trained in spill or leak control.

Operational-level personnel can perform spill control if they avoid direct contact with the material and have proper protection. Operational-level responders can also activate remote shut-off. Technician-level responders can perform leak control.

The First Aid subsection outlines basic first aid for victims of exposure. Awareness-level responders may identify contaminated people who present a significant risk of secondary contamination and should avoid direct contact with these individuals to prevent exposure. Encourage contaminated, conscious victims to move to an isolated area and await medical assistance from properly trained and protected personnel.

Incident Termination Procedures

All awareness-level responders should follow agency policies and procedures to terminate their involvement in a hazardous materials incident. OSHA regulations mandate a structured termination process. The three steps are on-scene debriefing, incident critique, and after action analysis.

During the on-scene debriefing process, officers are advised of the materials to which they may have been exposed, signs and symptoms of overexposure, and who to contact if they notice signs or symptoms of exposure. If exposure exceeds the acceptable published limits, the officer is sent for medical evaluation. During the critique phase, officers provide information on operational strengths and weaknesses. In the after-action analysis the agency's goal is to review any weaknesses and implement any additional or corrective training, as necessary.

SECTION VOCABULARY

Emergency Response Guidebook (ERG)

explosives

gases

hazardous material (hazmat)

protective action distance

standard of care

UNIT 3 | CHEMICAL AND HAZARDOUS MATERIALS

LESSON 2 | Methamphetamine

OBJECTIVES

LE297.1. Recognize the indicators of a methamphetamine laboratory in order to avoid exposure to the officer and the public.

LE297.2. Describe the necessary precautions to take when encountering a methamphetamine laboratory.

LE297.3. Explain how to safely secure and isolate a methamphetamine laboratory when responding to a contaminated site.

LESSON GOAL: At the end of this lesson, you will be able to describe the paraphernalia and basic chemicals used to manufacture methamphetamine and the hazmat protocol for responding to a meth lab.

Methamphetamine Laboratories (Meth Labs)

Locations where methamphetamine is manufactured are known as ***meth labs***; these are not scientific laboratories in the traditional sense. A meth lab can be as small as a soda bottle or as large as a warehouse. Methamphetamine is manufactured by converting pseudoephedrine or ephedrine through a simple chemical process. The observation of “pre-cursors,” or materials used, may be an indicator that a meth lab exists. Dangerous chemicals used in the manufacturing process of methamphetamine can be found anywhere in a home, vehicle, vessel, shed, motel, or other location. The materials used are readily available items such as coffee filters, two-liter bottles, blenders, lithium batteries, red-tipped matches, cold tablets, camp stove fuels, drain cleaner, brake fluid, and bleach.

Common methods used in the manufacture of methamphetamine are the one-pot “Shake and Bake” method, the red phosphorous method, and the “Nazi” (anhydrous ammonia) method. Meth labs may produce strong chemical odors, likened to rotten eggs or cat urine, and have surrounding areas of dead vegetation. Officers should also be aware of the toxic nature of discarded byproducts of the manufacturing process.

Safety Hazards

There are several safety hazards associated with meth labs. Ingredients used to produce methamphetamine are typically flammable, volatile chemicals under pressure or in the process of being heated. Mixing these chemicals can produce violent explosions or toxic gases. If an officer suspects a lab is present, he or she should avoid inhaling fumes, making contact with the chemicals, or turning anything on or off. Meth labs can also be booby-trapped. Individuals involved in the manufacturing of methamphetamine may pose a threat to the officer and community. Use caution when making contact with any person exposed to a meth lab.

Response Protocol

Decontamination protocol for a meth lab incident is the same as for any hazmat exposure. Evacuate the occupants and leave the premises immediately. Do not place anything in the patrol car prior to decontamination or allow the removal of any items

from the site (due to possible contamination). It is necessary to establish a perimeter and follow agency policies and procedures for a meth lab response. Always use caution when encountering a meth lab or suspected meth lab. Following the initial response, interview all involved parties, document the incident, and identify any need for post-exposure medical evaluations.

SECTION VOCABULARY

meth labs

UNIT 3 | CHEMICAL AND HAZARDOUS MATERIALS**LESSON 3 | Chemical Suicide and Chemical Weapons of Mass Destruction**

LESSON GOAL: At the end of this lesson, you will be able to recognize the indicators of chemical suicide and chemical weapons to initiate a hazmat response.

Chemical Suicide

Chemical suicide, also known as “detergent suicide,” is a method of committing suicide by mixing two or more easily acquired chemicals, commonly an acid and a base. Once mixed, these chemicals produce gases that quickly fill an enclosed area. These incidents typically occur in vehicles, closets, bathrooms, or other small, confined spaces where the concentration of gas can quickly accumulate to lethal levels. There are multiple methods of chemical suicide; the most common include hydrogen sulfide and hydrogen cyanide. It is critical that the officer and public stay clear from a vehicle or room if the indicators below are present. A chemical suicide situation should follow the procedures for a hazmat response including establishing a safe perimeter. Do not attempt to enter the area, or rescue or resuscitate the individual.

OBJECTIVES

LE818.1. Recognize the indicators of a chemical suicide to prevent hazardous exposure to the officer and the community.

LE818.2. Recognize the indicators of chemical weapons of mass destruction to contain and prevent additional contamination of resources and the community.

SECTION VOCABULARY*chemical suicide*

The following are indicators of chemical suicide:

- an unresponsive or sleeping person in a vehicle
- warning sign(s) taped to doors or windows
- unusual odors such as rotten eggs, sulfur, or burnt almonds
- suicide note inside the vehicle
- pennies in the area tarnished with residue
- yellow-green or white residue on vehicle seats, dashboard, or windows
- household cleaning or pesticide containers
- buckets for mixing chemicals
- a vehicle's inside door handles removed
- tape or towels sealing a door or air vents
- a bag over the subject's head

Symptoms of exposure to chemical suicide can vary widely depending on the degree of contamination. Mild exposure to such chemicals can irritate the eyes, nose, and throat. Symptoms of moderate exposure include headaches, dizziness, nausea, vomiting, coughing, and difficulty breathing. High exposure symptoms include severe respiratory irritation, severe eye irritation, convulsions, coma, and death.

Chemical Weapons of Mass Destruction

Chemical weapons are capable of causing mass casualties because a small amount of agent can be spread over a large area. They can be used to target humans as well as plant and animal life. While physical destruction of property may be minimal, environmental contamination can be serious and prolonged. Use of chemical weapons can result in the destruction of food crops, the contamination of water sources, and the death of animals.

Chemical weapons present a danger that is much harder to identify than conventional explosives. Chemical weapons might release gases or aerosols that are only recognized upon exposure or shortly thereafter. Examples of chemical WMD include nerve agents, such as sarin, and choking agents, such as chlorine. A primary indicator of chemical exposure is the rapid onset of symptoms. These symptoms can present within minutes or hours.

Symptoms of exposure to nerve agents include blurred vision, uncontrolled twitching, convulsions, seizures, or respiratory distress. Symptoms of choking agents include respiratory distress, burning of the lungs and airways, choking, and coughing.

Officers should be aware and cautious when responding to calls concerning numerous patients with the above symptoms. Approach any such situation as a hazmat event.

UNIT 4 | BIOLOGICAL WEAPONS OF MASS DESTRUCTION

LESSON 1 | Biological Weapons

LESSON GOAL: At the end of this lesson, you will know the indicators of the most common examples of biological weapons.

Biological weapons contain living organisms and are unpredictable and uncontrollable when released. Biological agents can be dispersed through food and water supplies by using aerosols, liquid droplets, solid dispersion (such as powder), and by using creatures such as fleas, ticks, or other insects to spread the agent. A key indicator of exposure to biological agents is the delayed onset of symptoms. Symptoms may appear within a few hours, or may develop over a period of days. First responders to a biological incident may unknowingly become carriers and spread the agent before symptoms present. For example, the first victims of smallpox might become ill and unknowingly continue to work in public.

Aside from written or verbal threats, possible indicators of a biological attack include unusual numbers of sick or dying people or animals, an unusually high prevalence of respiratory involvement in diseases that typically cause a non-pulmonary syndrome, unexplained damage and ruin to crops and agricultural products, and abnormal swarms of insects. Other indicators can include unscheduled or unusual spraying or fogging, casualty distribution aligned with wind direction, abandoned spray or dispersion devices, or the appearance of containers from laboratory or biological supply houses or biohazard cultures.

Many different biological agents could be used as potential weapons. The most common examples of biological weapons include anthrax, ricin, smallpox, and botulinum.

Anthrax is a naturally occurring bacterium. The primary routes of exposure to anthrax are skin exposure and inhalation. If exposure occurs through the skin, symptoms include a rash and lesions that begin small but grow over a period of days. If anthrax is inhaled, flu-like symptoms, such as respiratory distress, vomiting, and fever, occur several days after exposure. Inhalation of anthrax has a very high mortality rate, while skin exposure to anthrax has a high rate of survival.

Smallpox is a contagious infectious disease that can be transmitted by prolonged face-to-face contact with an infected person, direct contact with infected bodily fluids, and direct contact with infected objects such as clothes. After an incubation period of seven to seventeen days, symptoms such as a pox-like rash, raised bumps, fever, muscle rigidity, shivering, malaise, headaches, and vomiting occur.

OBJECTIVES

LE820.1. Recognize the indicators of biological weapons of mass destruction to contain and prevent exposure to resources, people, and the environment.

LE820.2. Explain the most common examples of biological weapons and the signs of human exposure to prevent contamination of the officer and the community.

SECTION VOCABULARY*anthrax**botulinum toxin**ricin**smallpox*

Ricin is a highly toxic poison found in seeds of the castor bean plant. The primary routes of exposure to ricin are ingestion and inhalation. When ricin is ingested, symptoms begin within a few hours; they include abdominal pain, vomiting, and diarrhea.

Within several days, sufferers experience severe dehydration, decreased urination, and decreased blood pressure. When a person inhales ricin, symptoms begin 18–24 hours after exposure and include fever, chest tightness, cough, nausea, and joint pain. Severe respiratory distress and death can occur in 36–72 hours.

Botulinum (botulism) is extremely toxic. Weaponized forms of **botulinum toxin** can be introduced to the body through ingestion, inhalation, or absorption. Symptoms include difficulty seeing, speaking, and swallowing and having double vision, drooping eyelids, slurred speech, dry mouth, and muscle weakness. These symptoms occur within 12 to 80 hours of exposure.

UNIT 5 | RADIOLOGICAL AND NUCLEAR WEAPONS OF MASS DESTRUCTION

LESSON 1 | Radiological and Nuclear Weapons of Mass Destruction

LESSON GOAL: At the end of this lesson, you will know the identifying features of radiological and nuclear weapons of mass destruction.

Dirty Bombs

Dirty bombs, also known as radiation dispersal devices, are traditional bombs with radioactive materials loaded into the casing. They are not considered nuclear weapons because they do not contain the same explosive power and their radiation is preloaded, whereas nuclear weapons create radioactivity upon detonation.

There are several indicators of the presence of a dirty bomb. Because dirty bombs require a casing and detonation mechanism, these pieces may be present at the scene of an explosion. Witnesses may give details of the event that do not seem to fit with the effects of explosive devices. For instance, they might say the bomb didn't blow anything up, just blew apart. Radiation may not be readily detected by the senses, but bomb squads and hazmat teams, as well as health officials, have equipment to detect the amount of radiation in the area.

A dirty bomb is primarily intended to inflict psychological panic more than physical harm. Its purpose is to contaminate rather than to destroy. Health effects are generally not immediate or as lethal as other WMD events. Symptoms of exposure include gastrointestinal disorders, bacterial infections, and hemorrhaging. Officers should be aware that exposure to radiation is directly related to the amount of time spent in the contaminated area, the distance from the site, and the level of shielding from the radioactive materials.

Response protocols for dirty bombs should be similar to a hazmat incident. The officer's primary responsibilities are to restrict access and establish a perimeter. Notification of a properly equipped hazmat team is necessary.

Nuclear Weapons of Mass Destruction

A **nuclear weapon** derives its destructive power from an uncontrolled nuclear reaction. Nuclear detonation energy is released through light, thermal energy, shock waves, blasts of wind, direct radiation, and fallout. Potential injuries include light damage to the eyes, burns to the skin, blast (pressure) injuries, and being hit by propelled objects, radiation from the bomb ignition, and falling radioactive particles.

OBJECTIVES

LE820.3. Explain a dirty bomb and the symptoms of human exposure to identify when a hazmat response is needed.

LE820.4. Contrast nuclear weapons with dirty bombs to recognize the extent and nature of a WMD situation.

SECTION VOCABULARY*dirty bomb**nuclear weapon*

Environmental indicators of a nuclear attack include a massive explosion, a mushroom cloud, an intense brilliant flash of light, and the use of bombs or missiles as a delivery method.

UNIT 6 | EXPLOSIVE DEVICES**LESSON 1 | Types of Explosive Devices****OBJECTIVES**

- LE822.1.** State the appropriate response to a call for service to a potential military explosive.
- LE822.2.** Explain an improvised explosive device (IED), including possible physical forms and places of concealment.
- LE822.3.** Recognize the indicators of a potential mail bomb or vehicle-borne IED to alert bomb technicians and initiate an evacuation.
- LE822.4.** Explain incendiary devices including possible forms, modes of delivery, and the response required.

LESSON GOAL: At the end of this lesson, you will be able to describe different types of IEDs and know basic safeguards in responding to these devices.

There are many types of explosive devices. Officers are not expected to know and be able to identify all varieties of bombs, explosives, or military ordnance. Regardless of the type of explosive, officers should always exercise the utmost caution and follow agency procedures when dealing with a potential explosive device.

Military Ordnance

Military devices can be easily acquired and are generally recognizable. They may include hand grenades, landmines, and rocket launchers. Officers may encounter such devices when responding to a report of a found, abandoned, or suspicious military item. Military memorabilia or souvenirs are sometimes inadvertently discovered and may be live or inert. Always assume that such devices are live, do not handle them, clear the area, and request assistance from a bomb squad for proper removal or disposal.

Improvised Explosive Devices (IED)

An *improvised explosive device (IED)* is a homemade bomb constructed and deployed in ways other than conventional military action and can be made from commercially available materials. An IED can be disguised as almost any item. IEDs have been hidden in trash bins, backpacks, road signs, concealed under debris, and otherwise constructed to prevent discovery. Since these items may not be readily identifiable, any object found under suspicious circumstances should be treated as a possible explosive device.

LE822.5. Describe different means of detonation that an officer should be aware of when responding to a potential explosive device.

Mail Bombs

Mail bombs are a special class of suspicious items. These could be delivered by the United States Postal Service, a commercial delivery service, or by hand.

Mail bombs can be difficult to detect. Some possible signs are envelopes or packages that are rigid, have excessive postage, are unevenly packed, or are packed with excessive securing material. Other factors include mail bearing incorrect titles or titles but no names, misspellings of common words, handwritten or poorly typed addresses, or restrictive markings such as “confidential” or “personal.” Mail bombs may also bear oily stains, discoloration, protruding wires, or strange odors.

If officers or individuals at the location become suspicious of a mailed item, the item should not be handled and should be isolated by evacuating the area.

Vehicle-Borne Improvised Explosive Devices (VBIED)

A motor vehicle used as a bomb is referred to as a *vehicle-borne improvised explosive device (VBIED)*. VBIEDs can be very powerful and dangerous. They are capable of carrying extremely large amounts of explosives. It is very difficult to bring 7,000 pounds of explosives into a building, but a small rental truck carrying that amount could detonate in front of a building, causing mass destruction to the structure and to people.

Indicators of a VBIED include a threat that specifically mentions explosives in a vehicle; a vehicle parked suspiciously close to the building or in a restricted parking area without a proper decal or sticker; a car that is unfamiliar to building occupants or seems to have a heavy load as indicated by riding low on its rear axle, or has a strange smell or leaks powder or liquid; reports that a driver or passenger exited a vehicle and left hurriedly; or a bomb dog alerting officers that a vehicle is a threat.

If officers suspect that a vehicle might contain explosives, they should note the description and size of the vehicle. They should then evacuate the area around the vehicle and establish a perimeter. Evacuation distance from a vehicle should be much greater than evacuation distance from a building because a VBIED is potentially very large, and pieces of the vehicle can act as shrapnel.

SECTION VOCABULARY

improvised explosive device (IED)

vehicle-borne improvised explosive device (VBIED)

Incendiary Devices

Incendiary devices are designed to start fires, destroy property, and harm people. Well-known examples are Molotov cocktails and napalm. Incendiary devices are frequently used by violent protestors, arsonists, and criminals. These devices consist of a minimum of three components: the ignition source, the combustible filler material, and a housing/container. Common materials used in the manufacture of incendiary devices are roadway flares, gasoline/motor oil, and glass containers or light bulbs. These devices are very similar to explosive devices and can function in the same manner. They can be placed anywhere or thrown at a target. Officers should respond to potential incendiary events the same way they would respond to bomb situations and never touch, move, or disturb an incendiary device. Officers should also be aware that incendiary devices have been used against police forces during crowd control operations.

Means of Detonation

Explosive devices can be constructed to detonate through a number of methods and are limited only by the creativity of the maker. Some examples include tripwires, pressure switches, motion detectors, infrared beams, or remote triggers.

Pressure switches can be placed under a rug, beneath a doormat, or in soil. A wall light switch can be wired into the bomb's triggering circuit so that it detonates when a light is switched on. A cell phone or a key fob can be used to remotely detonate an explosive device.

UNIT 6 | EXPLOSIVE DEVICES

LESSON 2 | Responding to a Bomb Threat

LESSON GOAL: At the end of this lesson, you will know and be able to obtain pertinent information when responding to a bomb threat incident. You will be able to approach the area while protecting your personal safety, the safety of others, and property.

Initial Response to a Bomb Threat

When responding to a bomb threat, it is important to obtain as much information as possible from dispatch. This initial information guides an officer's actions upon arrival. Information collected should include the nature of the complaint, the means of the threat and time it was received, the alleged time of detonation, a description of the device, the location of the device, and the identity of the threat recipient. If such information is not available from dispatch, obtain it by talking with witnesses or the complainant.

It is necessary to identify the nature of the complaint, which may be a threat, a suspected explosive device, an explosion, or a combination of these. Discovering how the threat was made is also important. Most threats are made by someone communicating the threat over a telephone conversation; however, some are made by voice mail, a note left at the scene, social media, a mailed letter, a fax, or an email. The officer should identify the time the threat was received. If the threat contained a phrase such as, "The bomb will go off one hour from now," the time of the call becomes very important and allows an officer to estimate the possible time of detonation, level of risk, and a deadline by which evacuations or searches must be completed.

A common policy or rule is to be out of a building at least 30 minutes before the alleged time of detonation and not return until at least 30 minutes after the alleged time of detonation. If a threat includes information about a location of an explosive device, this location should be noted when approaching the scene; it could assist in choosing an alternate route to the location and allow the officer to maximize his or her distance from the suspected explosive device. If the threat does not include the location of the device, the officer should attempt to obtain this information. In bomb threat situations, always seek information beyond what is volunteered by complainants or witnesses.

Location

Street maps, building layouts, or someone familiar with the area can help provide an accurate description of the device's location. If an officer can tell the bomb squad the exact location of the suspected device, the bomb squad can easily find it and predict possible damage caused by detonation. An officer must also determine and be able to

OBJECTIVES

LE258.1. Gather information related to the bomb threat from dispatch to include the complainant, location, and type of threat.

LE258.2. Identify the potential bomb's location in relation and proximity to other potential threats.

LE258.3. Explain concerns related to an officer's electronic equipment when safely responding to a bomb threat.

LE258.4. Assess the scene for potential evacuation areas and signs of hazardous materials upon arrival to ensure officer and public safety.

LE258.5. Determine if the bomb threat is credible by obtaining relevant information.

describe as precisely as possible the item's location in relation to the layout of the building or area and its relation to potential hazards. Such hazards could include fuel storage tanks, other stored chemicals, tanks of pressurized gas, steel rods, rolls of wire, or containers of bolts or nails. The bomb squad should be informed of any such additional hazards.

Use of Radio and Transmitting Equipment

When approaching a possible bomb situation, an officer must decide whether to turn off radios and radio wave-transmitting devices. There is no universal agreement on whether to do this at or near a bomb threat scene. Agency policy will determine whether radio use is permitted. The purpose of avoiding radio use is to prevent accidental triggering or detonation of a bomb designed to be set off by radio waves. It is advisable to notify dispatch and supervisors just before arrival if an officer intends to turn off radios or other equipment that emits radio waves.

Approaching the Scene Safely and Tactically

If a device's location is known, choose a route that leads to a stopping point a safe distance from the area. Never park too close to the incident or any suspicious item, or park in a manner which will block additional units. The 1,000-foot rule for evacuations can also be used for parking a patrol vehicle. If there is a compelling reason, an officer can move in closer than 1,000 feet. The first officers on the scene often move closer to talk with representatives of the building, interview witnesses, and further assess the situation. Once the officer has parked, he or she should maintain a safe location and distance from the threat. Use natural or man-made structures for protective cover. Adjust distance and location if new information indicates the initial stopping point is too close.

Observations During Approach

It is essential to follow a tactical approach when arriving at the site of a bomb threat. As an officer approaches the scene, he or she should note prominent landmarks and approximate safe distances so that specific directions may be given to other responding units. Such sites may also serve as good evacuation gathering areas. When approaching the scene, it is necessary to look for secondary devices or suspicious packages as well as signs of hazardous materials. An officer might notice an unusual smell or irritation to his or her skin, eyes, or breathing passages. If this occurs, the officer should, if possible, move upwind and uphill from the hazard and seek medical attention.

If you approach the scene and see signs of an explosion, the situation has changed. Now there may be additional safety issues such as broken gas lines, weakened building structures, debris, and fires. Immediately alert EMS and the fire department, the bomb squad, and request additional backup.

Increase the perimeter distance to secure the area; it has now become a possible crime scene. Be aware that items that may not initially appear important may be potential evidence.

Interviewing People at the Scene

An officer must identify and locate the person who received the threat, although that individual may not be present at the scene. The recipient is sometimes the most important witness and, therefore, should be located and interviewed as soon as possible. If present, the recipient should not be allowed to leave the designated area, and the officer should keep track of him or her for further questioning by the bomb squad and investigators.

The complainant and the owner/representative of the building or threatened area should also be interviewed. Ask these individuals to meet the officer away from the threatened area. Sources of additional information may include witnesses or key people, such as custodians or security personnel with special knowledge about the area.

The owner or building representative may have information that helps you assess the situation, including the credibility of the threat, level of risk, advisability of an evacuation, evacuation plan, communication plan, and availability of building plans. The owner/representative may also have knowledge about the organization's history of bombings or threats.

If video surveillance exists, get and view the footage as early as practical. Exchanging information with the owner or representative helps an officer confirm what he or she may already know about the situation and learn additional information that may verify a threat's credibility.

Credibility will be the major issue in determining whether to search or evacuate. Unless a device is found, permission to search or evacuate must be given by the owner or building representative. In this case, the area has become a crime scene, and the officer will order a mandatory evacuation.

Ask questions about possible suspects (ex-employees, disgruntled employees, angry customers, expelled or suspended students, or employees who may be experiencing disputes with significant others) and find out who controls access to the building. The officer should also identify and interview anyone who might be familiar with the caller's threatening remarks or motivation.

If the threat takes physical form, such as a letter or note, that item is evidence, and the officer should identify and interview the person in possession of it. Secure and protect any evidence.

Assessing the Credibility of the Threat

All threats and bomb situations must be treated as credible until proven otherwise. This assessment will affect the officer's decisions to recommend a search or evacuation, participate in a search, notify the bomb squad, fire department, EMS, or move the public further from the threat.

A found device, a suspicious item, or other suspicious circumstances may substantiate a threat's credibility. These may also clarify the risk level involved for officers and others. The level of detail provided in the threat may increase the credibility of the threat.

UNIT 6 | EXPLOSIVE DEVICES

LESSON 3 | Searching for an Explosive Device

OBJECTIVES

LE258.6. Identify where to establish the initial perimeter at the scene of a bomb threat to ensure public safety.

LE258.7. Assess the scene of a bomb threat for potential secondary explosive devices.

LE258.8. Describe effective techniques to use when searching an area related to a bomb threat.

LE258.9. Identify the elements of a potential explosive device that an officer should observe to give an accurate description to the bomb squad or specialized unit.

LESSON GOAL: At the end of this lesson, you will be able to plan, coordinate, and assist in a search for an explosive device.

Search Considerations

In a bomb threat situation, the advisability of a search depends on different factors, including:

- obtaining permission to search a building or area
- the level of risk for those conducting the search
- the credibility/amount of detail provided in the threat
- additional threats or the possibility of secondary devices
- agency policy on officers searching for explosives

An officer should constantly be looking for safe locations and protective cover to safeguard against the effects of an explosion. A general safe distance for the initial perimeter is 1,000 feet. This is a minimum evacuation distance and applies to situations in which the type or amount of explosive is unknown. If there is no good protective cover available, or if the type and amount of the explosive is known, substantially increase the evacuation distance. Upon arrival, officers should direct everyone to move to a safe location. If circumstances allow, people should evacuate upwind (or at least crosswind).

Permission to Search

In most cases, the owner or person in charge must give permission to search the property. In most bomb threat cases, the owner is cooperative regarding a search. In an emergency, if the owner or building representative cannot be located, an officer may conduct the search without consent.

Level of Risk for Searchers

The level of risk might be too high to initiate a search. The information received in a threat or warning might indicate that the device is booby-trapped or could be triggered remotely by a bomber observing the scene from nearby. In those situations, only special units or bomb squads should conduct a search. If the bomb is supposed to detonate within a short time, the search should be postponed. Everyone should remain at a safe distance outside the building until after the alleged time of detonation. After that time passes, an officer should re-evaluate the situation and determine if the search should resume. In some instances, an agency's procedure might mandate a waiting period before beginning a search.

Additional Threats or Secondary Devices

OSHA defines *secondary devices* as additional devices placed at the scene of an ongoing emergency response intended to cause casualties among responders. Secondary devices are designed to explode after a primary explosion or other major event has attracted large numbers of responders to the scene to inflict additional injury, damage, and fear.

Typically these devices are hidden or camouflaged by placing the devices in ordinary objects such as vehicles, flashlights, backpacks, flowerpots, or garbage cans. These devices can be detonated by a time delay, although radio-controlled devices or cell phone activated devices could also be used. Always search with the expectation that a secondary device is present in the area.

Types of Searches

In a covert search, members of management conduct a search without the knowledge or assistance of employees. This is the fastest type of search. However, covert searching is not thorough and is unsafe due to untrained personnel searching and uninformed employees left in the building.

In an overt search, members of management and employees conduct a search of their work areas. This method is faster because the people most familiar with the area are conducting the search. Overt searching can, however, be inefficient and dangerous if personnel are not trained.

Conducting the Search

When planning a search, utilize resources such as a person who has knowledge of the building layout, any existing search plan or search teams, and information contained in the threat or warning. If there is no existing search plan, develop a plan that will systematically cover all necessary areas and eliminate confusion. A haphazard search, conducted without knowledge of the building's layout, particularly in a large or complex building, might mean some areas are searched more than once, while other areas are not searched at all. Searching systematically requires that an officer follow the search plan faithfully and that individual searchers use appropriate search methods and patterns. Conduct a search thoroughly; explosives can be hidden anywhere.

The first step should be an exterior search of the building perimeter followed by searching evacuation routes, evacuee collection points, staging areas, and command posts. These areas are ideal locations for a secondary device. If the building is situated next to a street, the search should begin at the edge of the street.

Following an external search, conduct an interior search, being sure to look for any items that seem out of the ordinary and giving special attention to places where a device could be hidden. The most obvious areas to search are those mentioned in the threat, if any. If no device is found in the suspected places, the next locations of concern are the publicly accessible areas, including entranceways and foyers, lobbies, waiting areas, restrooms, cleaning and storage closets, and elevator shafts, including the tops of elevators.

If the public area search yields nothing, determine whether the entire building should be searched. A building's interior search should go from bottom to top, beginning with the basement areas, including utility rooms and areas with heating, cooling, electrical power, and telephone equipment.

Officers should be alert to the possibility of booby-trapped detonation devices by watching where they step and not backing up without first looking behind them. Before entering a doorway, visually inspect the doorway

SECTION VOCABULARY*secondary device*

and the surrounding area, watching for trip wires, looking for lumps or bulges in the carpet and rugs, and stepping over floor mats. Do not rush into any room or space.

Divide and assign certain floors or rooms to various search teams. Each team should place tape across the doorway of a room or area when it has been completely searched. On floor plans, an officer can check off rooms or areas after they are searched.

Give special attention to any vehicle that is parked unusually close to the building, abandoned luggage, gym bags, backpacks, buggies, strollers, or suspicious packages.

If no suspicious item is found, be cautious when sharing this information to the property owner. Liability may be an issue or concern if definitive statements are used, such as “There are no explosives at this location,” or “It is safe to go back inside.”

What to Do When a Suspicious Item Is Located

Many bombs do not appear to be bombs at all. Sometimes an explosive device is found simply because it is a suspicious item. A bomb can be specifically constructed to resemble almost anything. If an item is found that seems suspicious, ask an employee if the item belongs there. Often explosives are concealed within some form of packaging. Never attempt to open or handle a suspected device or package. Sometimes officers will not see the device, and the information will come from interviewing someone who has seen it. The more details obtained, the better the bomb team can perform its job.

If an explosive device is found, vacate the room or area immediately. Officers should take a brief look at the device, note any identifying features, including type, color, shape, and size of the device, as well as any names, labels, placards, chemical symbols, or signs indicating the type of explosive, then leave the area. Immediately notify any civilians who might be near or who have been assisting in the search, as well as a supervisor so that the evacuation process may be initiated.

CHAPTER 10

Traffic Stops

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An officer's primary responsibility in making traffic stops is to encourage voluntary compliance with traffic laws and improve driver judgment and future behavior. The end results of traffic stops should be driver education and safer roads.

UNIT 1 | TRAFFIC LAW

LESSON 1 | Traffic Law

OBJECTIVES

LE800.1. Define *vehicle* as provided in the Florida Statutes.

LE026.1. Define a *traffic stop* according to Florida Legal Guidelines.

LE026.2. List the general benefits of effective traffic enforcement in deterring unlawful driving.

LE026.3. Identify Florida Statutes that contain criminal and noncriminal traffic violations.

LE026.4. List common traffic violations encountered by law enforcement officers during traffic stops.

LE810.1. Explain what a licensed driver in Florida must do when a law enforcement officer requests his or her driver license per s. 322.15, F.S.

LE810.2. Identify the Florida Statute addressing the legal confiscation of a Florida driver's license during a traffic stop.

LE810.3. Describe the general format and components of a legal Florida driver's license.

LE810.4. Describe the general format and components of a legal Florida vehicle license tag/plate.

LESSON GOAL: At the end of this lesson, you should be able to identify common criminal and noncriminal traffic violations, and recognize a legal driver's license and license tag/plate.

Traffic stops are among the most frequent activities that a law enforcement officer performs. Even though officers perform them day in and day out, there is no such thing as a “routine” traffic stop. Many officers are killed each year and thousands more are injured during these traffic-related encounters. Both new and seasoned officers must be aware of the potential risk each time they make a stop. Any traffic stop requires that an officer be vigilant in applying officer safety skills throughout the vehicle stop.

Florida Statute s. 316.003(75), defines *vehicle* as “every device, in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.” According to the Florida Legal Guidelines, a *traffic stop* is the lawful, temporary detention of an individual in a vehicle by a law enforcement officer for an investigative purpose.

Through effective traffic enforcement, officers can deter or detect unlawful acts or events that require law enforcement action. Examples include the following:

- car theft and carjacking
- people with outstanding warrants and escaped prisoners
- drivers with suspended licenses
- abused, kidnapped, and runaway children
- illegal weapons
- drug use or trafficking
- minors in possession of alcohol
- impaired drivers under the influence of alcohol, chemical or controlled substances
- criminals fleeing crime scenes
- uninsured motorists

Traffic Laws

Florida's Uniform Disposition of Traffic Infractions Act (s. 318.14, F.S.) decriminalizes most traffic violations. Some violations are still treated as criminal acts: fleeing or attempting to elude a police officer (s. 316.1935, F.S.); leaving the scene of a crash (ss. 316.027, and 316.061, F.S.); driving under the influence (s. 316.193, F.S.); reckless driving (s. 316.192, F.S.); making false crash reports (s. 316.067, F.S.); willfully failing

or refusing to comply with any lawful order or direction of a police officer or member of a fire department (s. 316.072(3), F.S.); obstructing an officer attempting to enforce vehicle weight limits (s. 316.545(1), F.S.); and obstructing traffic for purposes of solicitation (s. 316.2045(2), F.S.). There are obviously other traffic-related criminal offenses, such as vehicular homicide. These are not violations of chapter 316 of the Florida Statutes, but violations of other statutes.

All other violations of chapter 316 of the Florida Statutes are deemed infractions—noncriminal violations that may be punished by fines, court costs, driving school, and community service hours, but not by incarceration. Because a traffic-infraction violator may not be jailed, he or she has no right to a trial by jury or court-appointed lawyer.

An infraction can be either a moving or non-moving violation, depending on how the statute defines the infraction. A criminal violation will be either a misdemeanor or felony. Because a moving violation could result in a crash or injury, violators pay a higher fine and may have points assessed against their driver's licenses. A non-moving violation does not usually cause a crash or injury, so fines for those offenses cost less. Non-moving violations do not assess points against a violator's license if the violator complies (fixes faulty equipment, for instance) within a specified period of time. Unlawful speed (s. 316.183(3), F.S.), for example, is a moving violation, but not using a safety belt (s. 316.614, F.S.) is a non-moving violation. Other examples of common moving and non-moving violations are listed below.

Florida law enforcement officers should be familiar with the traffic laws found in chapters 316 (Uniform Traffic Control Law), 320 (Motor Vehicle Licenses and Registration), and 322 (Driver's Licenses) of the Florida Statutes.

Examples of Common Traffic Violations within Florida Statutes

Moving Violations

- | | |
|--------------------------|---|
| s. 316.074, F.S. | Obedience to and required traffic control devices. |
| s. 316.075, F.S. | Traffic control signal devices. |
| s. 316.1925, F.S. | Careless driving. |
| s. 316.126, F.S. | Operation of vehicles and actions of pedestrians on approach of authorized emergency, sanitation, or utility service vehicle. |
| s. 316.121, F.S. | Vehicles approaching or entering intersections. |
| s. 316.122, F.S. | Vehicle turning left. |
| s. 316.183, F.S. | Unlawful speed. |
| s. 316.123, F.S. | Vehicle entering stop or yield intersection. |
| s. 316.1936, F.S. | Possession of open containers of alcoholic beverages in vehicles prohibited; penalties. |
| s. 316.613, F.S. | Child restraint requirements. |
| s. 316.172, F.S. | Traffic to stop for school bus. |
| s. 316.217, F.S. | When lighted lamps are required. |

Non-Moving Violations

s. 316.221, F.S.	Tail lamps.
s. 316.610, F.S.	Safety of vehicle.
s. 320.07(3)(a) , F.S.	Expiration of registration.
s. 316.605, F.S.	Licensing of vehicles.
s. 316.614, F.S.	Safety belt usage.
s. 320.131, F.S.	Temporary tags.
s. 316.224(3), F.S.	Color of clearance lamps, identification lamps, side marker lamps, backup lamps, reflector, and deceleration lights.
s. 316.2065, F.S.	Bicycle regulations.
s. 316.1945, F.S.	Stopping, standing, or parking prohibited in specified places.
s. 316.646(1), F.S.	Security required; proof of security and display thereof; dismissal of cases.

Criminal Traffic Violations

s. 316.193, F.S.	Driving under the influence; penalties.
s. 322.03, F.S.	Drivers must be licensed; penalties.
s. 322.16, F.S.	License restrictions.
s. 322.34(2)(5) , F.S.	Driving while license suspended, revoked, canceled or disqualified.
s. 322.32, F.S.	Unlawful use of license.
s. 316.061, F.S.	Crashes involving damage to vehicle or property (not reported or hit and run).
s. 316.027, F.S.	Crash involving death or personal injuries.
s. 316.192, F.S.	Reckless driving.

The Florida Driver's License

According to s. 322.15 of the Florida Statutes, all people driving in Florida must possess a valid driver's license from Florida, another state, or entity approved by the state of Florida or the U.S. government. Drivers must show it upon demand by a law enforcement officer or authorized representative of the Department of Highway Safety and Motor Vehicles (DHSMV)—the agency responsible for issuing driver's licenses, motor vehicle titles, license plates, and vessel registrations, as well as overseeing the Florida Highway Patrol.

It is unlawful to drive in Florida with a suspended, revoked, cancelled, or disqualified license. The charge for doing so may be a moving violation, misdemeanor, or felony depending on the circumstances that exist as per s. 322.34, F.S. The license also may not be faded, altered, mutilated, or defaced. If the driver's license is confiscated due to suspension, mutilation, revocation, or altered data, the officer should dispose of it according to agency policy.

Be aware that the use of fake international driving permits is becoming more prevalent in the state. A genuine international driver's license looks similar to a passport in contrast to a state-issued driver's license. The *Uniform Traffic Citation Procedures Manual* and Florida license plates (regular and specialty examples) can be found at the DHSMV's website (<http://www.flhsmv.gov>. and <http://www.flhsmv.gov/courts/>).

Current Formatting

There are three current versions of the ***Florida Driver's license***, which is the license issued to state of Florida citizens who pass the DHSMV tests granting them the privilege to drive in Florida. The Florida driver's license includes several different classes. Card types and license classes are identified by color headers:

- **yellow:** Class E Learner's License
- **green:** Class D and E Licenses
- **blue:** Commercial Driver License (CDL)—Classes A, B, and C

Licenses for drivers over the age of 21 are formatted horizontally, while licenses for drivers under the age of 21 are vertical. An officer will need to closely inspect older formats to obtain required information, including the expiration date.

Additionally, many people carry a personal Florida identification card (pink/red), which is used strictly for the identification of the person carrying it and does not authorize that person to drive a vehicle.

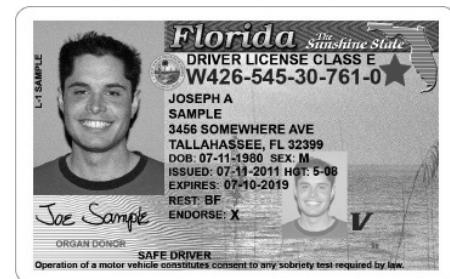
Endorsements/Restrictions/Informational Alerts

A license **endorsement** is a special authorization printed on a Florida driver's license permitting a driver to drive certain types of vehicles or transport certain types of property or number of passengers. Examples of endorsements include authorization to drive motorcycles, school buses, or combination vehicles with double or triple trailers.

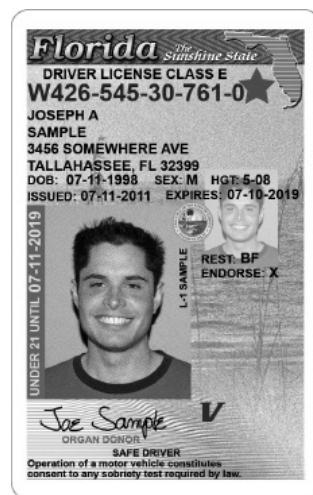
A **restriction**, printed on a Florida driver's license, may limit a driver from operating certain types of motor vehicles or require that he or she meet certain conditions when driving any motor vehicle. For example, someone who needs corrective lenses may be restricted from driving without them. Another person who is hard of hearing may be required to wear hearing aids when driving. Other restrictions may pertain to equipment required on the vehicle, such as hand controls for a driver who does not have full use of his or her legs.

A Florida driver's license may also include **informational alerts** that signal an officer about a person's health condition or public safety status. For example, a diabetic person's license may display "insulin dependent" in red print. If an officer encounters a person who appears to be impaired or in medical distress, that officer must call the Emergency Medical Services immediately.

Two other alerts—ss. 775.21, for sexual predators, and 943.0435, F.S., for sexual offenders—would be displayed in the right hand corner in black.



Current version of "Over 21" Figure 10-1



Current version of "Under 21" Figure 10-2

SECTION VOCABULARY*endorsement**Florida driver's license**informational alerts**restriction**traffic stop**vehicle*

Required restrictions and endorsements will be listed on the front of the license. Explanations of the restrictions and endorsements are on the back of the license. For drivers authorized to operate a motorcycle, the following endorsement will appear on the front of the driver's license under the expiration date: **Motorcycle Also** or **Motorcycle Only**.

Classes of Florida Driver's Licenses

Another component of licenses is the notation of the class on the back of the license.

CLASS A: required for drivers of trucks or truck combinations with a Gross Vehicle Weight Rating (GVWR) of 26,001 lbs. or more, provided the towed vehicle is more than 10,000 lbs.

CLASS B: required for drivers of straight trucks with a Gross Vehicle Weight Rating of 26,001 lbs. or more.

CLASS C: required for drivers of vehicles transporting hazardous materials in sufficient amounts to require placards or vehicles designed to transport more than 15 people (including the driver), and with a Gross Vehicle Weight Rating of less than 26,001 lbs.

CLASS E: required for drivers of any non-commercial motor vehicle with a Gross Vehicle Weight Rating less than 26,001 pounds, including passenger cars, 15-passenger (including the driver) vans, trucks or recreational vehicles, and two- or three-wheel motor vehicles 50 cc or less, such as mopeds or small scooters. Farmers and drivers of authorized emergency vehicles who are exempt from obtaining a commercial driver's license must obtain a Class E license.

CLASS E-Learner: A driver with a Class E-Learner license is limited to driving motor vehicles weighing less than 8,000 pounds. In addition, such a driver must be accompanied by a licensed driver 21 years of age or older who occupies the closest seat right of the driver, and the learner may initially drive only between the hours of 6 a.m. and 7 p.m. Three months after issuance of the learner license, the driver may drive from 6 a.m. to 10 p.m. A driver with a learner license may not operate a motorcycle without a motorcycle endorsement.

Florida Vehicle License Plates/Tags

Florida's DHSMV issues standard and specialized vehicle tags. While the majority of specialized tags are "vanity" plates displaying the owner's nickname or commemorating a college, sports team, or cause, some have specific uses and restrictions. For example, some tags are limited to commercial or government vehicles, while others are assigned based on the owner's status: e.g., state legislator or firefighter. Officers should be familiar with the uses and restrictions of such tags to make sure that their uses are authorized. In addition, there are specialized tags that must have additional prefix characters or descriptions not preprinted on the tag. When running a specialty tag, an officer should follow agency database requirements to enter the prefix.

LESSON GOAL: At the end of this lesson, you should be able to recognize the

UNIT 2 | CONDUCTING PROFESSIONAL TRAFFIC STOPS

LESSON 1 | Avoiding Bias-Based Policing

characteristics of a professional traffic stop free of discriminatory or bias-based policing.

Discriminatory or Bias-Based Policing

Discriminatory or **bias-based policing** is the unequal treatment of any person—including stopping, questioning, searching, detaining, or arresting a person—solely or primarily because of the person’s race, ethnicity, religion, gender, sexual orientation, or socioeconomic status. This behavior is illegal and will not be tolerated in law enforcement.

Some observers consider bias-based policing to include any law enforcement action—not merely traffic stops—that targets an individual based on a variety of group characteristics. In addition to considering ethnicity, color, national origin, or ancestry, these characteristics are often extended to address groups of individuals defined by gender, sexual orientation, religion, age, occupational status, socioeconomic status, or ability to speak English (*International Association of Chiefs of Police Bulletin*, September 2006).

Equal Protection

According to Title 18, Section 242 of the United States Code, anyone who “under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person... to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws...or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of color, or race...shall be fined under this title or imprisoned for no more than one year, or both, and if bodily injury results...shall be fined under this title or imprisoned for no more than 10 years or both...and if death results...shall be fined under this title, or imprisoned for any term of years or for life or both, or may be sentenced to death.”

The Fourteenth Amendment guarantees every person within the U.S. equal protection under the law. In *Mapp v. Ohio*, 367 U.S. 643 (1961), the Supreme Court declared that no state can limit this constitutional right; every person is entitled to be treated the same under similar circumstances.

The fact that a person is of a particular racial or ethnic group is not a basis for suspicion of wrongdoing. Suspected violators may be targeted based only on their conduct. It is always wrong, both legally and ethically, to use race, ethnicity, religion, gender, or sexual orientation as the sole basis for stopping a person. However, an officer

OBJECTIVES

LE808.1. Explain bias-based or discriminatory policing as it relates to a law enforcement officer’s treatment of people while performing the job.

LE808.2. Explain the legal equal protections guaranteed to every person within the United States by Title 18 of the United States Code and the Fourteenth Amendment.

LE808.3. Summarize the perception of unfair treatment by law enforcement during interactions with minorities.

LE808.4. Describe how an officer’s consistent professional interactions with all people may minimize tension and encourage cooperation during a traffic stop.

LE808.5. Describe how an officer can effectively bridge communication and language barriers when interacting with the public.

may properly focus attention on a person of a particular race or background if the officer has specific suspect information. For example, if a bulletin is issued for an elderly Asian female suspect wearing a red shirt, an officer is justified in stopping elderly Asian females because they fit that specific description.

Real and Perceived Problems Faced by Minorities

Minority describes the smaller segment of a population that differs from the majority by one or more characteristics. Because of past unequal treatment of minorities, most law enforcement agencies across the country now require officers to report traffic data, which may include race and gender data on their traffic stops. This data assists agencies in investigating possible allegations of bias-based policing. Various laws and court rulings require this information to detect and eliminate unfair policing. Whether or not their perception is accurate, minorities frequently believe that they are unfairly treated by law enforcement officers, particularly with regard to traffic stops.

Minimizing Tension and Maximizing Cooperation

When stopped, traffic violators typically react with embarrassment, anger, fear, and excuses. The situation can be tense. But by conducting a proper and professional traffic stop, an officer can minimize negative and potentially unsafe results. To do this, officers should follow the established professional agency protocol and do the following:

- Greet the driver (and passengers) politely, introducing yourself and immediately explaining why you made the stop; courts have ruled that people are entitled to know why they were stopped before any further discussion or requests are made. Describe the violation in terms of what you saw the vehicle, not the driver, do.
- Maintain a pleasant expression, a calm tone of voice, and a non-confrontational interview stance.
- Establish a commanding presence by using words that convey professionalism and demand respect.
- Allow the driver to talk; law enforcement officers should remain polite and focused, conveying to the driver that they are hearing him or her.
- Do not argue with the violator; the officer should simply explain the observations and the violation, if any. Whether or not you issue a warning or citation, listening respectfully will help many people calm down and accept the situation.
- Heighten the importance of the enforcement action by not lecturing the violator but rather explaining the seriousness of the violation by mentioning the risk of a crash or other circumstance.
- Keep the detention time as short as possible.
- End the interaction with a “thank you” in a courteous, non-sarcastic manner (especially if the person turns out to be cleared of any wrongdoing).
- Provide the person with your complete name and badge number upon request.
- Eliminate racially-charged stereotypes, racial jokes, and epithets from your speech. These increase the likelihood of insensitive behavior or the perception that you are biased.

During the investigation of the Los Angeles Police Department following the Rodney King case, investigators downloaded hundreds of racially inappropriate messages that were exchanged on mobile data terminals in Los Angeles Police Department cruisers. The evidence of these incidents of racial discrimination were used against the officers involved in the King case.

When dealing with a particularly disrespectful driver, officers may be tempted to respond arrogantly. A professional law enforcement officer must not let ego or emotion interfere with their actions. Law enforcement work is stressful, but officers sworn to uphold the Constitution and laws must consistently heed the laws they enforce. No circumstances justify an officer acting in an unprofessional or discriminatory manner. Florida is becoming increasingly diverse; it is up to individual officers to avoid giving even the perception of discriminatory policing in their actions.

SECTION VOCABULARY

*discriminatory
or bias-based policing*

minority

Bridging Communication and Language Barriers

Because language barriers can impede your communication ability, you must determine the driver's ability to understand you when making a traffic stop. For example, many Florida drivers may not understand English. They are concerned about being stopped, what the officer is doing or expects, and what their obligations are as a driver that has been pulled over. Consider requesting an interpreter if the language barrier makes it difficult for you to be understood. Hearing-impaired drivers also present a challenge, though some can read lips. Writing notes back and forth may be a good communication method in such a situation.

To avoid communication barriers, an officer must consistently exhibit professionalism and remember to do the following:

- Be patient.
- Speak clearly.
- Show respect.
- Take adequate time when speaking.
- Avoid talking down to anyone or being demeaning.
- Listen carefully and explain fully what is expected and what you are doing.
- Refer the motorist, if necessary, to an appropriate source within the department if unable to answer all questions.

As you gain experience in making traffic stops, your interaction skills will improve. Sometimes a standardized approach or script minimizes officer/violator conflict. This approach can become a habit, ultimately assisting an officer if ever testifying in court about interactions with a violator.

When dealing with people during traffic stops, your conduct will mean the difference between building onto the bridge with the community and putting a gap in that bridge. Courteous, professional officers may issue hundreds of citations without generating a citizen complaint, often receiving a verbal "thank you" from the cited motorists. Violators do not thank the officer for the citation; they thank officers for treating them with respect, courtesy, and dignity.

UNIT 3 | UNKNOWN RISK TRAFFIC STOPS

LESSON 1 | Initiating the Stop

OBJECTIVES

- LE025.1.** Monitor roadway vehicle activity safely to identify potential traffic violations.
- LE025.2.** Position the patrol vehicle safely to observe highway traffic and re-enter traffic flow.
- LE025.3.** Apply Florida Statutes correctly while observing vehicle traffic to see if violation(s) of law has occurred.
- LE026.5.** Describe conditions that would affect traffic flow during an unknown risk traffic stop.
- LE026.6.** Summarize the necessary safety factors to consider when deciding where to conduct an unknown risk traffic stop.
- LE026.7.** Identify the Florida Statute that governs the operation of emergency vehicle lights and siren during an unknown risk traffic stop.
- LE026.8.** Describe the considerations involved when activating the vehicle's emergency equipment to safely initiate an unknown risk traffic stop.
- LE026.9.** Position the patrol vehicle safely while following a vehicle during an unknown risk traffic stop.
- LE026.10.** Direct the driver to a safer stopping place using the public address system during an unknown risk traffic stop.

LESSON GOAL: At the end of this lesson, you should be able recognize when and how to initiate a safe and professional unknown risk traffic stop.

Deciding to Make a Traffic Stop

If working in stationary mode, the officer should choose a safe parking place for the patrol vehicle from which to monitor vehicle movement and watch for traffic violations. For example, when watching an intersection for traffic light violators, the officer should position the patrol vehicle where it does not obstruct traffic flow but can enter the roadway quickly and safely to make a necessary stop. Such safe places include areas with a wide shoulder off the roadway, available parking areas, and areas with an unobstructed view of oncoming traffic when entering the roadway.

A traffic stop begins the moment an officer observes an event or reason that merits the stop. An *unknown risk traffic stop* refers to a stop in which the potential risk of the situation is not known. Officers may stop a vehicle if reasonable suspicion exists that a crime was, is being, or is about to be committed. Officers may also conduct a traffic stop if they observe a violation for which a citation may be issued. Other justifications for a traffic stop would be to assist a motorist who is obviously lost or whose vehicle has mechanical trouble, to investigate suspicious behavior, or to investigate a vehicle or occupant matching a BOLO description.

Upon seeing a violation or other cause for a stop, you must decide whether it is necessary, prudent, and safe to stop the vehicle.

If you are en route to an emergency call or in-progress crime or are transporting a prisoner, stopping a traffic violator is not prudent. On the other hand, a reckless driver who is immediately endangering the lives of other motorists and pedestrians may justify a stop, even if stopping means abandoning the earlier call. Agency policy may dictate priority in these situations. If immediately stopping the driver may endanger you or other motorists, you should not make the stop. Unsafe conditions for a stop include heavy traffic, construction, or roadway conditions that do not allow room to pull over. Making a stop on a long bridge is unsafe for this reason.

Planning the Stop

Plan the stop in an area that gives the driver a place to stop safely. You must also be ready to adjust and react quickly to developments in the situation after the driver stops the vehicle. Any suspicious activity by the driver or passengers can increase the level of risk of the traffic stop; consider requesting backup from additional officers.

Certain roadway and traffic conditions may increase the potential for particular traffic violations. These include merge areas, intersections, and acceleration lanes.

Traffic flow is the general speed and direction of vehicle or pedestrian movement. Weather conditions, school zones, construction zones, and neighborhood activities may all affect traffic flow by slowing drivers and causing congestion. In an assigned zone, an officer must be familiar with normal traffic flow, speed limits and where they change, and changes to traffic flow at different times of day.

Initiating the Stop

The officer's familiarity with area roads is critical to selecting a safe stopping location.

Step 1: Maneuver the patrol vehicle through traffic until safely catching up to the violator, and determine at what point to safely make the stop.

Except in emergencies in which a stop must immediately be made, choose a location where the violator can maneuver out of the flow of traffic, where both you and the violator can avoid the danger of passing vehicles. Passing traffic is not the only risk—stopping a violator in an area populated by his or her peers may create a volatile and dangerous scene. After deciding to make the stop, move the patrol vehicle into a position to catch up with the violator, initiate the stop, and maintain a safe following distance until the violator pulls over.

Use defensive driving techniques to catch up with the vehicle and follow at a safe distance. Signal all lane changes. A well-executed traffic stop should minimally affect normal traffic flow. Other drivers may slow down to see what is going on. This can cause a traffic jam or hazard. You may have to follow a vehicle for some time before initiating the stop. If needed, request another patrol vehicle for help. You may need to follow the violator's vehicle for an extended period before help arrives.

To ensure that you are stopping the correct vehicle, constantly observe the vehicle from the time of the violation until the stop is completed. Note the vehicle's description, including its type, make, model, year, color, tag number, and state where the tag was issued. Note the driver's description (glasses, hat, beard, etc.) and any information about passengers, as well as any vehicle descriptors, such as condition, bumper stickers or decals, dents, or the presence of a toolbox.

Step 2: Notify dispatch of the traffic stop.

Once an officer has made the decision to stop, the officer must provide the following general information to dispatch according to agency requirements:

- the officer's identification number
- the officer's location, such as the street, plus a cross street or a house number; this is crucial on interstates and divided highways. If the situation escalates and the officer is injured or cannot use the radio, dispatch can pinpoint the officer's location.
- the officer's general direction of travel: north, south, east, or west
- vehicle tag number and state of issue
- a description of the violator's vehicle including color, make, approximate year (newer or late model)
- the number of occupants and descriptions if possible
- the need for backup or other assistance as required

Complete and accurate dispatch information is especially important for officer safety. It allows time for a criminal justice database check on the tag before you talk to the driver. In addition, if you see the occupants acting suspiciously, you may immediately be able to request backup. If the final stop location changes, you should update dispatch immediately.

Step 3: Select a safe location to stop.

The following are major considerations that you should have when selecting the safest proper location to make the stop:

- lighting
- population
- width of road and shoulder
- traffic congestion
- level of visibility
- presence of hills and curves

Check the width of the road and the shoulder to ensure that both you and the violator are far enough off the road so that other vehicles can pass. This prevents crashes, especially in a congested area where other drivers may not be able to change lanes to give an officer extra room. Try to pull off onto a level spot or a slight downgrade. Stopping on an upgrade may cause a large vehicle to roll into the patrol vehicle. Officers should not make a stop on a curve, a ramp, or the crest of a hill, close to an exit ramp, or where road conditions could cause other vehicles to hit the patrol vehicle. Additionally, take special caution when conducting stops in areas where children are present, such as school parking lots.

Step 4: Activate emergency equipment to communicate the stop to the driver.

Officer-driver interaction begins when the officer signals the driver to stop. Once that signal is given, the officer has limited control over where the driver will stop.

Begin communicating the stop to the violator by pulling directly behind the violator's vehicle. Once in a safe location to make the stop, turn on the emergency equipment. Emergency notification equipment includes emergency lights, siren, headlights, PA system, and horn. Section 316.216, F.S., explains the legal right to use lights and sirens to get the violator's attention during a traffic stop.

The violator may display several indicators that show awareness and anticipation of the stop. The violator may look into the rearview mirror and make eye contact with the officer, signal a lane change to pull over, or suddenly slow down.

Use flashing emergency lights cautiously when conducting traffic stops. Each driver reacts differently. Some might panic and stop in the left lane, skid to a stop, or swerve. Others ignore the lights. If this happens, tap the siren for one or two seconds.

Emergency lighting systems differ among agencies. The light bar is one system, along with strobe, flashers, and other lights. If the stop occurs at night, use spotlights for additional lighting.

The patrol vehicle's high beams, spotlight, and takedown lights conceal an officer from the violator's view and are important for officer safety and survival. Activate the patrol vehicle's high beams, unless they interfere with oncoming traffic or restrict your vision by reflecting off the violator's rear bumper or another object. If your patrol vehicle is equipped with them, activate the takedown lights—the white lights facing forward on the light bar. These illuminate the interior of the violator's vehicle and prevent the driver from seeing into the patrol vehicle.

Once the violator acknowledges that you have directed him or her to pull over, go through the following steps:

1. As the driver changes lanes, follow smoothly.
2. Follow the violator's vehicle at a safe distance.

A safe distance is staying far enough behind the violator to be able to react to the situation at hand. Use safety precautions, such as avoiding traffic lanes, watching for pedestrians, and protecting the violator.

3. If uncomfortable with the initial stopping place, use the PA system to direct the violator to a safer location. An officer might say, "Driver, drive into the parking lot ahead" or "Driver, pull your vehicle farther to the right." The officer should be firm but respectful.

During the stop, the overhead emergency lights should be left activated to warn oncoming traffic.

SECTION VOCABULARY

traffic flow

unknown risk traffic stop

UNIT 3 | UNKNOWN RISK TRAFFIC STOPS

LESSON 2 | Conducting the Stop

OBJECTIVES

- LE026.11.** Apply officer safety skills correctly when undertaking an unknown risk traffic stop.
- LE026.12.** Park the patrol vehicle properly after the violator's vehicle has stopped during an unknown risk traffic stop.
- LE026.13.** Position the backup patrol vehicle properly, if requested, after the violator's vehicle has stopped.
- LE026.14.** Identify factors influencing an officer's assessment of potential danger when initiating an unknown risk traffic stop.
- LE026.15.** Identify the number of additional passengers in the vehicle during an unknown risk traffic stop.
- LE026.16.** Approach the violator's vehicle safely during an unknown risk traffic stop.
- LE026.17.** Explain how to safely conduct a "no approach" method of calling the violator back to the officer's patrol vehicle during a traffic stop.
- LE026.18.** Request identifying information politely from the vehicle driver after explaining the reason for the stop and waiting for an explanation.
- LE026.19.** Arrange appropriate assistance for the driver if needed during a traffic stop.

LESSON GOAL: At the end of this lesson, you should be able to safely and professionally conduct an unknown risk traffic stop.

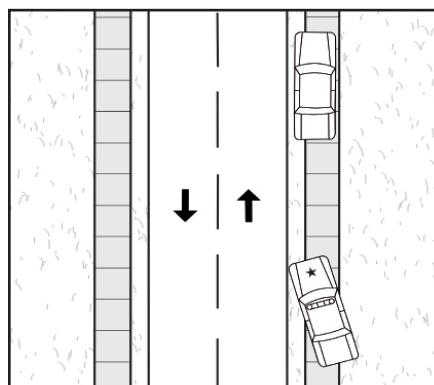
Conducting the Stop

Step 5: Park the patrol vehicle.

After stopping the violator in a safe location, park the patrol vehicle a safe distance behind the violator's vehicle. Because of roadway conditions, traffic, and other environmental factors, each traffic stop is unique. As a general rule, the patrol vehicle should be positioned one and a half to two car lengths behind the violator's vehicle.

If the violator stops on the right side of the road, assume the **offset position** in which you align the center of the patrol vehicle's hood with the left taillight of the violator's vehicle. If the stop occurs on the left side, the officer will align the center of the patrol vehicle's hood with the right taillight of the violator's vehicle. The wheels should be turned toward the road. If the situation escalates, having the patrol car in this offset position may provide cover from potential skipping rounds shot from the violator's vehicle.

With a more dramatic turn of the nose of the patrol vehicle in either direction, angling does not have to incorporate the offset position. If needed, you can use the PA system to verbally direct the violator to move his or her vehicle further to the right to improve your safety and minimize the stop's obstruction of traffic.



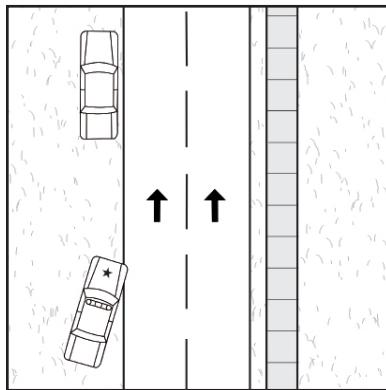
Offset-angle positioning
on right shoulder of road

Figure 10-3

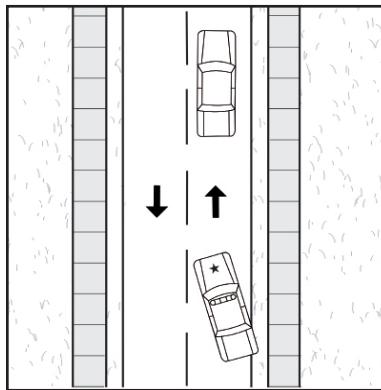
Continued officer safety also involves the following practices:

- ensuring you are a safe distance from the roadway
- maintaining a safe reactionary distance between the violator's vehicle and the patrol vehicle
- offsetting and/or angling the patrol vehicle in relation to the violator's vehicle
- adhering to agency policy and procedure

Sometimes due to environmental conditions, roadway obstacles, or agency policy and procedure, the officer may decide to make a traffic stop on the left side of the roadway.



Offset-angle positioning *Figure 10-4*
on left shoulder of road



Offset-angle positioning *Figure 10-5*
in driving lane of road

In less than optimum conditions (construction, sinkhole, city streets as opposed to major highways), it may be necessary to make a traffic stop in a roadway. To do this, move the patrol vehicle as far to the outside of the driving lane as possible without offsetting its angle position.

After making a stop, an officer should be prepared to exit the patrol vehicle quickly. Constantly observe the violator's vehicle and all occupants. If you sense any danger while assessing the situation, request backup. Upon exiting the patrol vehicle, make sure your equipment belt is free of the seat belt and that the seat belt does not hinder your exit of the vehicle. Use emergency lights at all times.

Positioning of the Backup Patrol Vehicles

If an officer has requested backup, the backup officers' patrol vehicles should be parked at a safe distance behind the primary patrol vehicle. Depending on the location of the traffic stop and its environmental conditions, the backup patrol vehicle may be offset to the left or the right of the primary patrol vehicle. This will enable the emergency lighting to light the back of the vehicles better. The backup officer should approach along the passenger side of the primary officer's patrol vehicle, which may assist in preventing a crossfire situation.

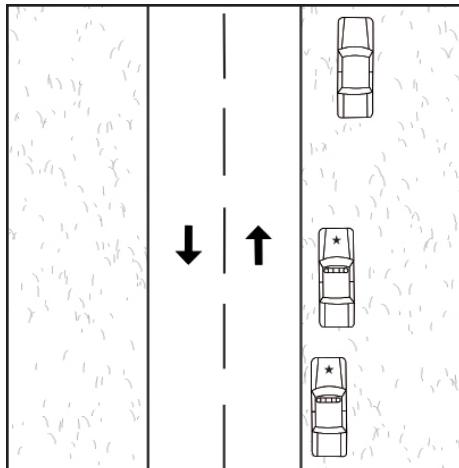
Backup officers must limit their use of emergency lighting that may blind or silhouette the primary officer. If possible, only use rear emergency lighting. See Figures 10-6 & 10-7 on the following page.

LE026.20. Identify the most accurate forms of personal identification that could be requested from a driver during a traffic stop.

LE026.21. Direct the driver and passengers where to safely wait, if required, during an unknown risk traffic stop.

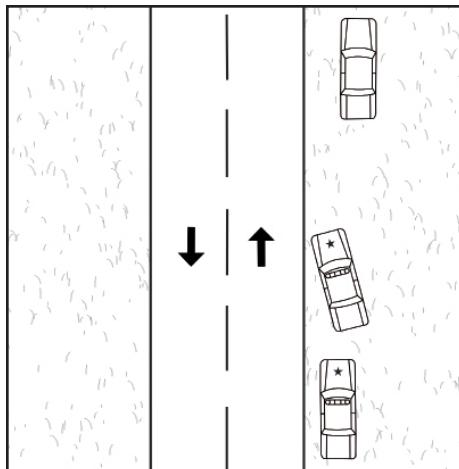
LE006.5. Compare criminal justice database information with the personal information during a traffic stop.

LE026.22. Describe additional information about a stopped person or vehicle which may be obtained from dispatch or FCIC/NCIC databases.



Example 1:
Positioning (offset of primary)
of backup patrol vehicle

Figure 10-6



Example 2:
Positioning (offset angle
of primary) of backup
patrol vehicle(s)

Figure 10-7

Step 6: Conduct a visual assessment of the violator's vehicle.

The officer should assess the violator's vehicle for signs of danger prior to exiting the patrol vehicle. If any occupant attempts to exit the violator's vehicle, the officer's discretion and agency policy will determine whether the officer should immediately order the subjects back into the vehicle.

One clue of possible danger is if the occupants are nervously watching the officer. Officers should expect some activity as the driver retrieves his or her driver's license, registration, and insurance information from a wallet or glove compartment. Suspicious movements may suggest danger—such as moving towards the floorboard or backseat, excessive motion that seems beyond natural curiosity, or rigid, wooden posture (which may indicate occupants who are frightened or poised for action). You must constantly observe behavior.

If the vehicle appears to be heavily weighed down in the rear, discuss this with the driver. The vehicle could be carrying stolen merchandise, drugs, tools, a person, or a corpse.

Step 7: Exit the patrol vehicle.

Before exiting the patrol vehicle, check for oncoming traffic in the rear and side-view mirrors. After exiting the patrol vehicle, securely close the vehicle door so it will not blow open and possibly be struck by a passing vehicle. The officer should close the door quietly and keep the portable radio just loud enough to hear the radio traffic. A silent exit from the patrol vehicle gives the officer time to approach the vehicle and assess the situation before the driver reacts.

Step 8: Apply appropriate approach techniques.

In all approach situations, an officer should exit the patrol vehicle and make use of available cover. Approach the violator's vehicle cautiously, constantly assessing the situation. Do not fix your full attention on any one part of the scene, but rather scan the vehicle and its occupants for suspicious movements. Always continue to observe both the vehicle and the passengers throughout the stop. Examine the interior of the vehicle while looking through the rear window into the rear seat, if possible, noting the number of passengers, position of the rear seat, and the presence of any contraband or potential weapons.

If a situation seems dangerous, request backup and wait for its arrival before taking any further action.

Check the trunk lock and trunk lid alignment to determine if someone is possibly in the trunk. Officers should also check for a popped trunk lock. This would indicate that someone hammered out the keyhole, allowing entry into the trunk without a key. You might see a hole in the trunk where the lock should be, which is a common sign of a stolen vehicle. Note if the trunk lid is fully closed. A subject could hide inside the trunk and surprise an officer.

If the trunk lid is unlatched, you should push it down when you approach the vehicle. Doing so will lock in anyone hiding inside the trunk.

As you approach the violator's vehicle, assess the license plate. Indicators that the plate may not belong to the vehicle include:

- the way the plate is attached (bolts, wire) may suggest the license plate was removed from another vehicle
- age of attachment relative to the plate (e.g., Are there shiny, new bolts on a dirty plate?)
- expired expiration sticker or sticker that looks like it was removed from another plate
- paint or dark film on the license plate
- the presence of dead insects on the tag, suggesting it was the front plate of another vehicle

Approaching the Violator's Vehicle on the Driver's Side

Approach the vehicle cautiously and remain vigilant for dangerous traffic situations. Take advantage of light and shadows at night. Touching the rear of the violator's vehicle ensures that the trunk lid/hatch is closed and transfers the officer's fingerprints to the vehicle as evidence of contact. Touch the trunk lid for this reason during every traffic stop, even if the lid appears closed. Stay close to the vehicle, stopping at the back edge of the driver's door. At night, only hold a flashlight in your support hand. Remain behind the vehicle's doorpost for cover.

Standing behind the driver's doorpost gives an officer a position of advantage while maintaining a safe distance when talking with the driver. If, when approaching on the violator's side, you see a passenger in the backseat, stop at the back of the rear window and instruct the driver to open the window. If no one occupies the backseat, remain behind the front passenger's doorpost for cover to take advantage of body armor. Continually watch the driver and any passengers.

Approaching the Violator's Vehicle on the Passenger's Side

If you decide to approach the vehicle on the passenger's side, begin by walking behind the patrol vehicle to avoid crossing in front of the headlights and betraying your location. Approaching on the passenger's side will give you extra time to look and listen. The occupants of the vehicle will likely expect an officer to approach on the driver's side. At night, keep your flashlight off while approaching the vehicle until you make contact with the driver and other passengers.

An observant officer can tell if the driver is concealing something on his or her right side, including a popped ignition, keys in the ignition, a weapon, an alcoholic beverage container, and drugs or drug paraphernalia. The officer will also notice how many other occupants may be in the vehicle.

In the case of a **popped** or **damaged ignition**, the plastic housing around the column's base has been popped open, exposing ignition bars that can be pulled forward to start the car. It also means that the key portion was removed from the ignition key area, allowing the ignition bar to be exposed.

If the preliminary visual check reveals a potential threat, the officer should call for backup and assess the situation. However, if passengers occupy the backseat, remain standing at the rear of the backseat window.

The officer should look through the rear window at the rear seat, noting the number of occupants, the position of the rear seat, and the presence of any contraband or potential weapons.

“No Approach”: Calling the Driver Back to the Officer’s Patrol Vehicle

An officer must decide whether to approach the violator’s vehicle or call the driver back to the patrol vehicle (called the **no approach tactic**) to acquire information.

If an officer decides to call the driver back to the patrol vehicle, the officer should assume a safe position, such as behind either the driver’s side or the passenger’s side doorpost, depending on traffic conditions. When moving to a position behind the passenger-side doorpost, walk behind the vehicle while constantly observing the driver and any passengers. Keep an eye on passing traffic to avoid being struck by a vehicle. To avoid being silhouetted against the emergency lights, do not walk between the patrol vehicle and the violator’s vehicle. Use a commanding voice or the PA to verbally direct the driver to walk back to the patrol vehicle. If the driver is looking at you directly or through a mirror, you may simply motion the driver to come back to the patrol vehicle. As the violator approaches, be observant, especially of the driver’s hands, for any signs of aggression or the presence of a weapon.

Step 9: Interact with the driver.

A courteous but commanding presence is the key to effective communication with the vehicle driver. An officer is less likely to encounter resistance if his or her presence is dignified and commanding. Make sure your expression, tone of voice, body position, gestures, and words portray professionalism and respect, along with sufficient assertiveness. Upon first contact, identify yourself to the driver as a law enforcement officer, especially if you are not in uniform. Many agencies have a specific policy for doing this.

Observation skills, safe positioning, and safe distancing are important to consider when interviewing the driver or passengers. If the situation becomes dangerous or unstable, you must increase the distance between yourself and the stopped vehicle.

In accordance with agency policy, courteously explain the reason for the stop in terms of what you saw the vehicle, not the driver, doing and request the required documentation. An explanation for the stop might include the observation that the vehicle is in violation of F.S. s. 316.221, inoperable tail lamps, for instance. Allow the driver to offer an explanation, such as medical difficulties or vehicle malfunctions. If necessary, contact dispatch to request medical assistance for the driver or arrange for a relative or responsible person to remove the vehicle or have it towed.

Drivers in Florida are required to “present or submit” a driver’s license, vehicle registration, and proof of insurance upon an officer’s request per ss. 322.15, and 320.0605, F.S. Additionally, ss. 316.646(1) and 320.02, F.S., allow individuals to provide proof of insurance in either a uniform paper, or electronic format as prescribed by the DHSMV. Never accept a wallet from the driver. Instead, ask the driver to remove the license from the wallet. This prevents the driver from later making accusations of theft.

During this process, observe the interior of the vehicle and activities of the passengers. You may ask where the driver keeps the documents; doing this will help you predict where the driver’s hands will move. If the driver reaches to open the glove compartment or other inside compartment, request that he or she do so slowly. Pay close attention to both of the driver’s hands. The driver could use the reaching hand as a distraction while going for a weapon or object with the other hand.

The driver is the only occupant in the vehicle compelled to provide documentation, unless other occupants are suspected of a crime or violation. If such a suspicion demands identification from other passengers, officers should request documents that provide the most accurate personal information, such as:

- driver's license or state-issued identification card (with picture)
- residence card for non-citizens (green card)
- military ID
- school picture identification
- Social Security card (according to agency policy and procedure)

Verify that the information on the license is current and valid. Compare information on the registration to the VIN, make, type, and year of the vehicle.

In addition, confirm that the insurance card is current and applicable to that vehicle. Be mindful of safety concerns and use discretion while applying the most appropriate technique in interactions with other passengers in the vehicle. You may request that the driver and any occupants stay in the violator's vehicle or in a designated place within your sight—to make attacking you from behind more difficult.

After obtaining the required documentation, safely return to the patrol vehicle and request from dispatch or complete criminal justice database checks using the driver's information. Safely returning to the patrol vehicle means never losing sight of the stopped vehicle and the occupants even if you are running FCIC/NCIC database checks.

FCIC/NCIC database information can be useful during traffic stops. It can provide useful, additional information about the person or vehicle stopped. It includes people with outstanding arrest warrants (entire U.S.), drivers' licenses and vehicle registrations (entire U.S. and Canada), missing juveniles and adults, and stolen property (entire U.S.).

If the driver matches an identity in the criminal justice database check, an officer may arrest the violator and impound the vehicle as necessary and as agency policy dictates.

On occasion, when undercover officers have been stopped for a traffic violation, they may or may not present law enforcement identification to the officer who pulled them over. If they do offer identification, dispatch can verify employment and official status. When an undercover officer has no identification, sometimes because of the nature of his or her assignment, that officer will likely not sacrifice avoiding a ticket to not reveal his or her identity. Follow agency policy and procedure in these situations.

SECTION VOCABULARY

no approach tactic

offset position

popped or damaged ignition

UNIT 3 | UNKNOWN RISK TRAFFIC STOPS

LESSON 3 | Enforcement Options

OBJECTIVES

LE026.23. Determine the proper law enforcement action for a violation in an unknown risk traffic stop.

LE091.1. Choose whether to issue a verbal or written warning, a written citation, or make an arrest per agency policy and procedure, based on the evidence gathered during an unknown risk traffic stop.

LE091.2. Summarize accurately the responsibilities of the officer upon being issued a book of UTC's.

LE091.3. Describe accurately the use of the UTC according to the Florida Statutes.

LE091.4. Describe accurately the components of a Uniform Traffic Citation (UTC).

LE091.5. Explain how to accurately complete the appropriate citation or warning per agency policies and procedures.

LE091.6. Summarize how to give an operator a verbal or written warning in a professional manner during a traffic stop.

LE091.7. Explain how to give a violator a written citation in a professional manner during a traffic stop.

LE091.8. Provide a reasonable verbal explanation of the traffic offense to the driver in a professional manner during a traffic stop.

LESSON GOAL: At the end of this lesson, you should be able to correctly complete and take appropriate law enforcement action (take no action, issue a Florida Uniform Traffic Citation, issue a written or verbal warning, or make an arrest) as appropriate.

Course of Action

Officers often use discretion and flexibility in judgment. In the case of traffic violations, officers may decide appropriate action as taking no action, issuing a verbal warning, a written warning, a citation, or making an arrest. The law, agency policy, and the circumstances of the violation affect the decision. This discretion applies only to traffic violations and misdemeanor offenses, with some exceptions for misdemeanor offenses. Some agencies do not permit officers to issue written warnings. Others do not allow verbal warnings. Individual officers must weigh the seriousness of the offense, the road, the weather, and traffic conditions. Document each stop with appropriate, recorded enforcement action, whether it is a citation, a warning, or an arrest.

An officer should write a citation when there is a clear violation which is not satisfactorily excused or justified by the situation, when agency policy supports the writing of the citation.

Florida law states that all felonies are arrestable offenses. If an officer has probable cause for a felony arrest, he or she must make that arrest. Agency policy dictates the proper paperwork that should accompany the arrest.

Uniform Traffic Citations (UTC)

The Uniform Traffic Citation is given for traffic offenses covered under chapters 316, 318, 320, and 322 of the Florida Statutes, and is used to collect and store information about traffic enforcement and traffic case adjudication. For traffic offenses, the Uniform Traffic Citation is generally the only report that an officer must complete. However, individual agencies may require additional reports for particular offenses.

The Uniform Traffic Citation also is used for certain non-traffic felony and misdemeanors which can result in suspension or revocation of the offender's driver's license. Pursuant to F.S. s. 316.650(10), an officer must issue a citation to anyone convicted of any offense that requires the mandatory revocation of the driver's license.

Officers are assigned Uniform Traffic Citation books with a preprinted number. In this book, they must account for each Uniform Traffic Citation assigned to them. If a UTC is destroyed or lost before the officer gives it to the violator, that officer must

document the circumstances of the destruction or loss in the UTC book that he or she was issued. The DHSMV tracks all Uniform Traffic Citation numbers to ensure integrity in issuing citations. It is illegal to “tear up” a citation after it has been issued. Section 316.650(8), F.S. states “it is unlawful and an act of official misconduct for any traffic enforcement officer or other officer or public employee to dispose of a traffic citation or copies thereof or of the record of the issuance of the same in a manner other than as required.”

In addition to the DHSMV’s responsibility to keep accurate records regarding Uniform Traffic Citations, each law enforcement agency must keep records of and must account for all citations supplied to them. Each Uniform Traffic Citation book contains two receipts that are used for assigning the book to an officer. Agencies may develop their own procedures for assigning citation books to individual officers and may use these receipts to assist with internal control and record keeping.

Upon receiving the receipt of each book, inspect it to ensure that the citations are in correct numeric sequence and that each book contains 25 three-part citations. Inspect the sequential numbers assigned to each book to ensure that the numbers on the book are the same as the numbers of the citations contained in the book and listed on the officer’s receipt.

Under no circumstances is it permissible for one law enforcement agency to transfer citations to another law enforcement agency. Each Uniform Traffic Citation is recorded in the DHSMV inventory files as being distributed to a particular agency. When an officer leaves employment with an agency, his or her Uniform Traffic Citation book(s) shall be turned over to his or her immediate supervisor. Periodically, the DHSMV conducts audits of Uniform Traffic Citation books for accountability purposes pursuant to s. 316.650(3)(4)(8), F.S.

Distribution of Traditional Paper Uniform Traffic Citation and Electronic Citations

The traditional paper Florida Uniform Traffic Citation form HSMV 75901 contains three copies that are distributed as follows:

Part One (white)—Complaint—Retained By Court

This part is designed to serve as a sufficient complaint for both civil and criminal cases. Judges and clerks use this to document court actions taken on the reverse side of the form. A citation is required per F.S. s. 316.650(3)(a) to be submitted to the Clerk of the Court within five days after issuance to the violator.

Part Two (yellow)—Summons—Violator’s Copy

This part is reserved for the traffic offender. The reverse side is to be used only to notify individuals charged with traffic infractions (not requiring a court appearance) as to what options they have when answering the offense charged.

LE091.9. Explain the citation disposition options available to the driver in a professional manner during a traffic stop.

LE091.10. Explain courteously the violator’s responsibility to adhere to traffic laws and local ordinances during an unknown risk traffic stop.

LE091.11. Explain courteously that the violator is required to sign mandatory hearing and criminal citations during an unknown risk traffic stop.

LE091.12. Identify the violation for refusal to sign the citation during a traffic stop.

LE091.13. Describe how to courteously close the interaction with the violator after making an unknown risk traffic stop.

LE091.14. Complete the appropriate citation or warning accurately per agency policy and procedure following an unknown risk traffic stop.

LE026.24. Determine whether to make a legal arrest for an unrelated offense during an unknown risk traffic stop.

LE026.25. Determine the disposition of the vehicle and remaining passengers after the driver has been arrested in accordance with agency policy.

LE026.26. Demonstrate completely how to make a safe unknown risk traffic stop.

Part Three (pink)—Officer Copy

The officer/agency retains this paper form to maintain accountability, to maintain a record of the court's action, and for officers to make notes for testifying in court. An officer may wish to retain a copy for court purposes.

Law enforcement agencies are increasingly using computer generated electronic citations. They generate these using laptops or handheld devices. These kinds of citations are used like the traditional UTC forms.

Procedures to Complete a Uniform Traffic Citation

Officers should make sure that a hard divider splits the sets (three copies), when completing the citation. Use a ball point pen to ensure that the information is legible on all three copies. Print all information in black ink.

Clearly fill in each data field or "X" the appropriate box based on the requested information at the top of each category. Complete all applicable sections and leave blank any that are not applicable.

The instructions for completing the Uniform Traffic Citation are in the DHSMV Uniform Traffic Citations Manual. An officer should review the description and procedures sections in that manual.

The most common reason the DHSMV returns a Uniform Traffic Citation to the issuing agency is for correction or clarification. Common errors preventing UTC acceptance include illegible handwriting, omitted statute number and sub-section, failure to list a statute corresponding to the description of the violation, failure to either check or write in a violation, or incorrect entry of the violator's date of birth.

Explaining and Issuing the Warning or Citation

The violator must understand the violation and the warning or the citation. The issuing officer must understand Florida traffic violations sufficiently enough to explain the nature of the offense to someone unfamiliar with the law. State the specifics of the violation slowly and clearly and assure that the violator understands when you give the verbal warning or present the written warning or citation.

You should explain the violator's options for responding to the citation, which are listed and explained in detail on the back of the violator's (yellow) copy.

Moving violation options are to pay a civil penalty, elect (request) a hearing in traffic court, or elect to attend and complete a Driver Improvement Course (if eligible). Some moving violations require a court appearance.

Non-moving violation options are to pay a civil penalty or elect a hearing in traffic court.

Criminal violations require a court appearance on a scheduled date.

If proof of compliance is provided to the Clerk of the Court within 30 days under these certain statutes, the violator may elect to enter a plea of nolo contendere (no contest), present a valid driver license, tag, registration, or proper proof of insurance to the Clerk of the Court, and pay a fine and court costs if charged with any of the following:

- Safety of vehicle: inspection. (s. 316.610, F.S.)
- Failure to display a valid driver license (s. 322.15(1), F.S.)

- Failure to possess a valid registration (s. 320.0605, F.S.)
- Failure to maintain proof of insurance (s. 316.646(1), F.S.)

If charged with operating a motor vehicle that is in an unsafe condition or is not properly equipped, the violator may elect to provide certified proof of correction of the condition or equipment problem.

Finally, you should encourage the violator's awareness of his or her responsibility to obey traffic laws and local ordinances.

By explaining safety issues and the importance of preventing violations, you help the driver understand the law. Return the driver's documents with a copy of the warning or citation and any relative public information pamphlets that your agency may provide.

On the citation, you should point to the section where he or she checked the violation and wrote specifics. If the violator has committed a violation that requires a mandatory hearing listed in s. 318.19, F.S. or any other criminal traffic violation listed in chapters 316, 320, or 322, F.S., the officer should instruct him or her to sign the Uniform Traffic Citation and explain that signing is not an admission of guilt.

Certain violations require the violator to sign the citation. According to s. 318.14(3), F.S., refusal to accept and sign a Uniform Traffic Citation requiring a court appearance is a criminal violation that may result in arrest. When confronted with a violator who refuses to sign, the officer has an opportunity to use good communication skills to gain compliance from the violator. Tell the violator that refusal to accept and sign the citation might result in arrest. The officer can stress that signing the Uniform Traffic Citation is not an admission of guilt or a waiver of rights. If the violator still refuses to sign, place him or her under arrest and issue another Uniform Traffic Citation for refusal to sign a citation.

Throughout the traffic stop, maintain a professional and courteous manner with the driver and passengers. Completing contact with a violator is easiest if you clearly explain options for handling the citation. Do not argue about the merits of the citation with the violator or tell the driver to "Have a nice day," since this could be interpreted as sarcasm.

If the driver expresses a desire to make a complaint against the officer, politely explain the process for doing so and notify your supervisor according to agency policy. A driver who is upset should be allowed time to calm down before resuming driving. Showing professional courtesy will help reduce the tension. When the driver is ready to leave, make sure the driver is able to safely re-enter the traffic stream. Return to your vehicle and clear the stop with the communications center.

During the course of a traffic stop, you might be able to develop probable cause if required to justify an arrest of a driver or a passenger for an unrelated offense. Whether to make a physical arrest or take some other action will depend on the nature of the offense, the severity of the circumstances, and agency policies and procedures.

Once an officer has made an arrest decision, the officer should call for backup. When the backup officer arrives, both officers can decide upon the proper method to approach and carry out the arrest. Based on arrest procedures, the officer should handcuff the suspect and place him or her in the patrol vehicle.

Disposition of the Vehicle

If an officer arrests the driver during the course of the traffic stop, he or she then must decide what if anything to do with the vehicle and any passengers per agency policy. This decision involves whether the officer has the right to search the vehicle, whether it should be impounded or used for evidence, or if it might even meet the requirements for forfeiture. An officer may arrange for a third party to remove the suspect vehicle or leave it at the scene with the owner's consent, when the driver is arrested, when the vehicle is stolen, or when the vehicle must be impounded.

If you are going to contact a wrecker to tow or impound the vehicle, inventory the contents of the vehicle. Remove and secure any remaining driver possessions and items per agency policy.

UNIT 4 | HIGH RISK TRAFFIC STOPS

LESSON 1 | Identifying a High Risk Traffic Stop

OBJECTIVES

- LE027.1.** Apply officer safety skills correctly when undertaking a high risk traffic stop.
- LE027.2.** Verify that the observed vehicle corresponds with a suspect vehicle description, BOLO, criminal justice database hit, or felony violation prior to making a high risk traffic stop.
- LE027.3.** List critical, timely information to relate to dispatch while maintaining visual contact with the suspect vehicle when conducting a high risk traffic stop.

LESSON GOAL: At the end of this lesson, you should be able to identify relevant safety factors involved in a high risk traffic stop and prepare to make the stop while communicating with dispatch and backup.

Primary Objectives of a High Risk Traffic Stop

As mentioned earlier, a traffic stop is never routine. When an officer knows in advance that a vehicle has been reported stolen, was seen in the commission of a felony, or when the driver or an occupant of that vehicle is suspected of a crime in progress or felony, the risk increases both for the officer and for the public. This is known as a high risk traffic stop. Listening, observing, and communicating are especially critical during these stops.

The primary objectives of a high risk traffic stop include being able to recognize a suspect vehicle from a BOLO description, properly relaying what you observed, stopping the vehicle safely, keeping yourself and the public safe, and apprehending the suspect.

You should not work alone in order to meet these objectives. You must coordinate closely with dispatch and communicate to other officers all pertinent information concerning the suspect vehicle.

Identifying a Vehicle or a Suspect

To identify the suspect vehicle, the officer must be able to recall its description, most commonly from a BOLO. This requires matching identification points, including the observed vehicle's make, model, year, color, and tag number as well as any damage or special markings (unusual features like neon lights, writing on the windows, or bumper stickers) to help confirm the identification.

Identifying information also includes the driver description, the number of occupants in the vehicle, and the vehicle's direction of travel. Look, point by point, at each part of the BOLO to compare your observations with the BOLO information. If they match, notify dispatch that the vehicle or suspect has been located and request backup.

Information to Relay to Dispatch

As you begin the high risk traffic stop process, give dispatch your location, the suspect vehicle location and travel direction, that vehicle's description per agency policy (make, model, color, and special identifiers, such as vehicle damage or bumper stickers), the known number and description of occupants, the tag number and state, and suspected crimes and weapons.

Waiting for Backup

If dispatch confirms the information that you supply, there is reasonable suspicion to initiate the stop; request backup. Follow the suspect vehicle until backup arrives and a safe stopping location is identified. Until backup arrives, maintain constant observation of, and a safe distance from, the suspect vehicle based on the vehicle's speed of travel. Meanwhile, do not turn on the emergency equipment. If backup is unavailable from your agency, request assistance from other agencies. A high risk stop should only be conducted alone if the driver's actions force it (for instance, the occupant's behavior or vehicle movement places the public at immediate risk).

Not only are you required to request and, if prudent, wait for backup before acting, you must also maintain radio contact with dispatch and with responding units. As circumstances change, update dispatch and backup on the movement and route of the suspect vehicle, activity of the occupants in the vehicle, and your observations of weapons or contraband. Without regular updates to dispatch, backup might arrive at the wrong location. Staying in touch is an important role of the primary officer in a traffic stop. Periodically, the primary officer should request the location and estimated time of arrival (ETA) of the backup units to keep from waiting in vain. An accurate ETA allows for planning the best stopping location.

UNIT 4 | HIGH RISK TRAFFIC STOPS

LESSON 2 | Coordinating the High Risk Stop

OBJECTIVES

- LE027.4.** Summarize the necessary safety factors to consider when deciding when and where to conduct a high risk traffic stop.
- LE027.5.** Explain how to safely initiate the stopping sequence when conducting a high risk traffic stop.
- LE027.6.** Identify the proper positioning and distance between the primary patrol vehicle and the suspect's vehicle during a high risk traffic stop.
- LE027.7.** Position the primary patrol vehicle safely while conducting a high risk traffic stop.
- LE027.8.** Position the backup patrol vehicle(s) and officer(s) safely while conducting a high risk traffic stop.
- LE278.1.** Decide if the pursuit is legal, feasible, and necessary, prior to initiating a suspect motor vehicle pursuit.

LESSON GOAL: At the end of this lesson, you should be able to safely coordinate a high risk traffic stop.

The key to safely conducting a high risk traffic stop is for an officer to have knowledge of his or her work zone. A safe location protects the officer and the public. It is impossible to predict the exact stopping location of the suspect vehicle, but officers should use common sense; every effort should be made not to conduct a high risk stop in places where people gather in large numbers, such as on active school grounds, at a ball field, or at a busy shopping center.

Coordinating the Stop

When backup has arrived, the primary officer should locate a safe stopping place. Safety is crucial for the primary officer, the backup officers, and others who may be nearby. A safe stopping site is visible to officers and oncoming traffic and is away from heavy pedestrian traffic and heavy vehicle traffic; it also is large enough to accommodate backup units, has a straight road, and is in an open or rural area (versus a business area) with light traffic. A visible stopping site has an unobstructed view between the suspect vehicle, the patrol units, and oncoming traffic. The primary officer should also choose a site with enough roadway width to accommodate two or more patrol vehicles. If possible, an officer should attempt to stop all vehicular and pedestrian traffic.

The primary officer will coordinate the stopping site once the backup units have arrived. He or she should pick a location before the actual stop is initiated. Using the radio, the primary officer will direct the responding patrol units to positions of backup or control (of driver and occupants) and know what is expected of each position so he or she can provide directions for the group to work safely and effectively as a team. The primary officer may use the public address (PA) system to give directions to the driver of the suspect vehicle.

When there is enough backup to initiate the high risk stop, the primary officer should request a secure channel for emergency traffic and give dispatch the location of the stop, as well as information regarding the vehicle's occupants' actions and behavior.

Use of Emergency Equipment

After selecting the stopping location and communicating with dispatch and backup, the primary officer should turn on the patrol vehicle's emergency red/blue lights and the siren—if, for example, the driver does not respond to the emergency lights—to direct the driver of the suspect vehicle to stop the car. The officer should keep the emergency lights

on throughout the entire stop. Using emergency lighting can be effective for officer safety day or night. An officer should use the patrol vehicle's takedown lights, high beams, and spotlight during a night stop to illuminate the interior of the suspect's vehicle.

Positioning the Primary Patrol Vehicle

In accordance with agency policies and procedures, once the suspect vehicle stops, the primary officer should park the patrol vehicle so that the driver's door of the suspect vehicle is visible. You may stay in the vehicle or quickly take cover using your own vehicle. Stop at a safe distance behind the suspect vehicle. A greater distance behind the suspect vehicle will provide you with more protection. The situation and agency policy will dictate this safe distance.

Agency policy and the physical situation (terrain, type of intersection, whether it is a highway or street, officer safety) both help the officer determine how far to offset and angle the primary patrol vehicle. Generally, the primary patrol vehicle should be offset towards the driver's side of the suspect vehicle. The nose of the primary patrol vehicle should be angled towards the center of the suspect vehicle.

Positioning the Backup Patrol Vehicles

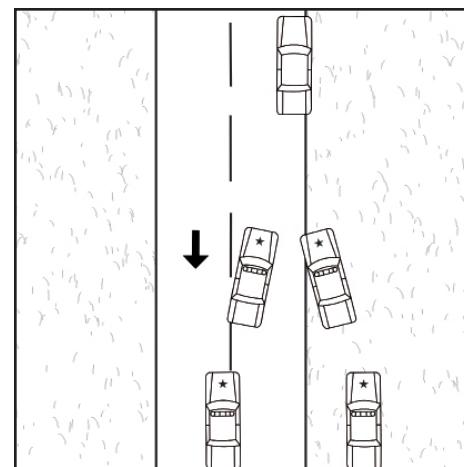
The high risk traffic stop usually involves multiple backup units. The first backup patrol vehicle should generally be positioned to the right of the primary patrol vehicle. The first backup patrol vehicle should be offset to the passenger side with its nose angled towards the center of the suspect vehicle.

Position all backup vehicles two door widths apart so that all vehicle doors can open completely. During a night stop, the backup vehicle's takedown lights, high beams, and spotlight should be focused on the suspect vehicle's passenger side. A third vehicle (or fourth) should be positioned to one side or the rear of the primary vehicle at a slight angle.

All arriving officers should refrain from leaving their area of cover and approaching the suspect vehicle. See Figure 10-9.

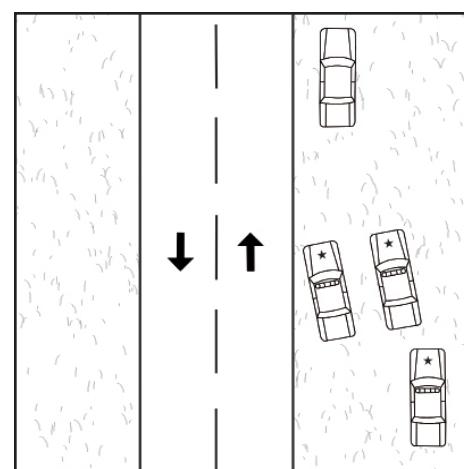
Taking Cover Using the Patrol Vehicle

After the suspect vehicle has stopped and all patrol vehicles are properly positioned, the officers must use available cover to improve their safety. An officer's patrol vehicle is the most effective and readily available cover. The officers can remain seated in their vehicles, exit them, or crouch behind their vehicles' doors, according to agency policy and procedures. Once the officers have established proper positioning, they should draw their firearms and point them at the suspect vehicle with their fingers outside the trigger guard. It is important that officers position themselves in relation to other officers to avoid being caught in a crossfire situation. The officers' positions are also dictated by the situation at hand. Events are fluid, so flexibility is required.



The Wedge
backup positioning

Figure 10-8



General multiple
backup positioning

Figure 10-9

If the driver pulls away after the stop is initiated, officers should make a second attempt to pull over the vehicle. If the suspect does not stop, you must decide whether or not the situation is legal, feasible, and necessary and meets the agency's criteria for pursuit. If your supervisor advises against pursuing or advises you to cancel the pursuit at any time, you must comply.

UNIT 4 | HIGH RISK TRAFFIC STOPS

LESSON 3 | Securing the Vehicle and Occupants

OBJECTIVES

- LE027.9.** Explain how to safely interact with the driver and vehicle occupants while conducting a high risk traffic stop.
- LE279.1.** Relate specific verbal commands and directions to the driver and occupant(s) of the suspect motor vehicle during a high risk traffic stop.

LESSON GOAL: At the end of this lesson, you should be able to safely apply a tactical approach when conducting and concluding a high risk traffic stop.

Taking Command of the High Risk Traffic Stop

The primary officer assumes command of the high risk traffic stop. Use verbal commands to direct all the occupants of the suspect vehicle. Agency procedure and the situation dictate who will verbally control the driver and occupants. This verbal control provides order and keeps the suspects from gaining an advantage. For example, the primary officer may control the occupants on the driver's side of the suspect vehicle so that the first backup officer can control the occupants on the opposite side of the suspect vehicle.

Verbal Commands

You may use the PA system to identify yourself as a law enforcement officer. When giving voice commands, stay within the cover of the patrol vehicle.

Instruct all occupants to put up their hands so that they are clearly visible. Command the driver to: “Roll down the windows and unlock all the doors with your left hand and then raise your hands again where I can see them.”

Next, tell the driver, “Use your left hand to turn off your engine. Remove and place your keys outside on the roof of your vehicle, open your door from the outside with that same hand, and return your hand above your head.” Officers should be aware that because of the newer car technology there may not be a key in the ignition. Next, direct only the driver to exit, on the driver’s side, keeping hands visible and extended above the head while facing away from the officer.

If the vehicle’s windows are heavily tinted and the occupants are not easy to see, instruct the occupants to put their hands outside the windows so they remain visible.

Once the driver has exited the vehicle, tell the driver to step away from the vehicle, extend their arms above their head, lift the back of their shirt by the collar, and slowly turn in a complete circle. Look for any weapons or obvious bulges from possible weapons as the driver turns in a circle with their shirt lifted. The driver should then be told to stop, facing away from you, and instructed to listen to commands. If you observe a weapon, the driver must be advised that any movement towards the weapon will be met with appropriate force.

Next, command the driver to slowly step backward toward the sound of your voice. The driver should be told to stop at the back door of a four-door vehicle and then instructed to open the back door. Next, the primary officer should command the driver to continue backing up until he or she reaches an area centered and in front of the patrol vehicles where they are commanded to stop. A backup officer will take over and issue commands to the driver directing him to the **take-down area** (a designated area of disadvantage to the suspect vehicle driver or occupant) where searching and securing occur.

Detainment Procedures

Once the driver is in the take-down area, a backup officer may tell the driver to kneel/become prone or whatever position of disadvantage applies when the driver arrives. The officer should then holster his or her weapon and approach and handcuff the driver. That officer will conduct a cursory pat-down for weapons, secure any weapons, and walk the driver back behind the cover of the backup vehicle to secure, completely search, detain, and interview him or her about remaining passengers and weapons. To gather intelligence for officer safety, the interview should concentrate on the presence of any weapons and number of passengers in the vehicle.

Where the driver and passengers are handcuffed may vary. Some agencies handcuff all suspects at the front tires of the backup vehicle, leaving the back of the primary vehicle as a “safe zone,” while others take all suspects to the back of the backup vehicle to search and secure. The secured driver should be placed into a patrol vehicle. Once the driver is secured, the backup officer should return to position with his or her weapon drawn.

LE279.2. Detain the driver and each passenger in a separate patrol vehicle using appropriate law enforcement actions and in accordance with agency policies and procedures, during a high risk traffic stop.

LE279.3. Relate specific verbal commands and directions to the passengers of a suspect motor vehicle in accordance with agency policy during a high risk traffic stop.

LE279.4. Command hidden passengers to exit the suspect vehicle using the Plus One Rule and agency policy, during a high risk traffic stop.

LE279.5. Examine thoroughly the inside of the suspect motor vehicle for more people during a high risk traffic stop in accordance with agency policies and procedures.

LE027.10. Apply appropriate law enforcement action concerning the suspects in a high risk traffic stop.

LE027.11. Demonstrate how to properly make a high risk traffic stop.

LE091.15. Complete the appropriate documentation accurately following a high risk traffic stop, per agency policy and procedure.

SECTION VOCABULARY***“plus one” rule******take-down area*****Removing Passengers from the Vehicle**

No passengers should be removed from the vehicle until the driver is secured. All passengers will be removed from the vehicle one by one after each is secured. Backup officers should use the same procedures to remove, search, secure, observe, and detain the passengers as they did with the driver. The last passengers exiting the vehicle should be instructed to leave the door open.

When the officer believes that all passengers have been removed from the suspect vehicle and no one can be seen inside, he or she should use pretense or a bluff and command any hidden passengers to exit the vehicle. This is a safety technique, often referred to as the “***plus one***” rule of safety. When applying the “plus one” rule, the officer should focus on the observed suspects and the “plus one” that may be assumed to be hiding.

Searching the Vehicle for Hidden Passengers

After the suspects and any passengers are out of the vehicle, check the vehicle for hidden passengers. If there is no response to the bluff, the backup officers should approach the vehicle. While the primary officer continues giving commands, backup officers (if available) should move at the same time using a tactical approach with their weapons pointed at the vehicle at all times. They should use caution not to bump into the vehicle and alert hidden passengers of their presence.

Maintaining a tactical position, the officer should check the vehicle’s interior for passengers. Officers must do a systematic visual search of the vehicle. After the interior is clear, the officer should retrieve the keys or remote in order to open the trunk. Again, in some newer vehicles, there is no key to unlock a trunk. To clear the trunk, officers should move tactically to the trunk area. The backup officer may retrieve the keys or remote and move to the rear of the vehicle. One officer should unlock the trunk while another holds it down to prevent it from opening. After the trunk is unlocked, the officers need to move back and assume a safe position to cover the vehicle, pointing weapons at the trunk and making sure they are not in a crossfire position. The backup officer should lift the trunk lid. Both officers should then clear the trunk.

When the scene is secured and all is safe, the primary officer should notify dispatch to clear or open the channel and discontinue emergency radio traffic. After the investigation, the suspects are either informed of the charges, arrested, and transported to the agency or jail. If the people stopped are not the suspects, explain the reason for the stop, i.e. matched description of vehicle used in robbery, and release them.

Securing the Vehicle

Circumstances and agency policy will dictate the disposition and documentation of the vehicle at the conclusion of a high risk traffic stop depending on whether it will be seized, impounded, or released.

Proper documentation of the incident—from information at roll call to locating a possible suspect, confirming a warrant, contacting and then arresting the suspect, and seizing evidence—helps lead to a conviction on all charges.

CHAPTER 11

Driving Under The Influence (DUI) Traffic Stops

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Law enforcement officers make numerous traffic stops daily. All too often, drivers are impaired by the use of alcohol or drugs, making them a hazard to themselves and other motorists. This chapter will train officers to detect impaired driving, administer field sobriety tests, make arrests when appropriate, and record the evidence of a DUI offense.

LESSON 1 | Overview of the DUI Problem

OBJECTIVES

- LE798.1.** Describe the problem of impaired driving and its requirement for consistent law enforcement action.
- LE798.2.** Explain general strategies used to address the problem of impaired driving.
- LE798.3.** Describe elements that the criminal justice system, the media, and non-governmental organizations (NGOs) use to deter impaired driving.
- LE798.4.** Summarize the four physiologic categories of alcohol processing in the human body.
- LE798.5.** Explain blood alcohol concentration (BAC) as used during a DUI investigation.
- LE798.6.** Explain breath alcohol concentration (BrAC) as used during a DUI investigation.

LESSON GOAL: At the end of this lesson, you should be able to identify the problem of DUI and the physiological effects of alcohol on drivers.

This chapter has been adapted from the *DWI Detection and Standardized Field Sobriety Testing Guide* produced by the National Highway Traffic Safety Administration (NHTSA). It has been modified from a national perspective to be specific to the state of Florida.

The NHTSA course uses the term driving while intoxicated or impaired (DWI). Florida law uses the term driving under the influence (DUI).

This course uses NHTSA's term, Standardized Field Sobriety Tests (SFSTs), even though case law and many Florida law enforcement agencies use the term Standardized Field Sobriety Exercises or Evaluations (SFSE).

DUI: The Problem

Each year, tens of thousands of people die in traffic crashes. Throughout the nation, impaired driving is a major contributor to traffic fatalities. Some estimates indicate that about 25 percent of America's drivers at least occasionally drive while under the influence, and that offenders actually commit the offense an average of 80 times per year. While driving under the influence of alcohol or drugs, impaired drivers are more likely than other drivers to take excessive risks and have slowed reaction times; they are also less likely to wear seatbelts.

Many factors impair drivers; these include alcohol or drug intake, medical conditions, and mental or physical disabilities. An officer's primary duty in detecting and investigating DUI cases is to remove impaired drivers from the road to ensure public safety.

DUI: Deterrence

DUI is both a societal and a law enforcement problem. The ultimate goal is to reduce the number of impaired drivers through prevention, education, and deterrence. Prevention promises the ultimate, lasting solution to the DUI problem, but it will require a substantial amount of time to fully accomplish. Education is an essential component of the solution. Law enforcement must not only enforce the DUI laws but take the time to educate the public through schools, civic groups, special events, etc. Deterrence is only part of the solution. Both the public and the law enforcement are responsible for working together to accomplish the goal of stopping DUIs.

Behavioral change in individuals is fundamental to prevention. The public should do the following:

- avoid committing DUI, either by avoiding or controlling drinking prior to driving or by selecting alternative transportation
- intervene actively to prevent others from committing DUI (for example, public service announcements against impaired driving)
- avoid riding with drivers who are impaired

General deterrence is based upon the driving public's fear of being arrested.

- If violators believe there is a good chance they will get caught, some will avoid committing the offense at least some of the time.
- Unless there is a real risk of being arrested, there will not be a fear of being arrested.
- Law enforcement must arrest enough violators to convince members of the public that they will be caught if they continue to drive while impaired.

The legal consequences of a DUI conviction include monetary fines, imprisonment, and a temporary or permanent loss of driving privileges. The keys to successful deterrence by well-trained law enforcement officers include the following:

- skill at detecting DUI
- willingness to arrest every DUI violator who is detected
- increase in DUI enforcement activity

There are other participants who contribute to the prevention and deterrence of DUI. Law enforcement organizations enforce the law that legislators pass. Prosecutors prosecute DUI violators, and the judiciary adjudicates fairly and delivers the punishments prescribed by the law. The media publicizes the enforcement effort and communicates that the risk is not worth the probable outcome. Non-governmental organizations (NGOs), such as Mothers Against Drunk Driving (MADD), create Public Service Announcements (PSA) and promote other measures addressing impaired driving. Each of these elements plays a supportive role in DUI deterrence.

Alcohol and the Human Body

Alcohol falls into the drug category of Central Nervous System Depressant and is the most abused drug in the United States. Alcohol is the active ingredient in beer, wine, whiskey, liquors, etc. Its effect on the body includes the loss of fine motor skills, hand/eye coordination, and judgment. Often the person who is affected by alcohol doesn't think that he or she is impaired.

Absorption is the process by which alcohol enters the bloodstream. The absorption rate of alcohol varies based on many factors, including the person's weight and gender, whether and how much food he or she has eaten, and the alcohol concentration of the substances consumed.

Distribution is the process by which alcohol is carried via the bloodstream to the body's tissues and organs.

SECTION VOCABULARY*absorption**blood alcohol concentration (BAC)**breath alcohol concentration (BrAC)**distribution**elimination**metabolism*

Metabolism is the biological process by which the body breaks alcohol down into compounds that are more readily eliminated.

Elimination is when the body expels alcohol through exhaled breath, sweat, tears, saliva, urine, etc. The average alcohol elimination rate of humans is .015 grams of alcohol per 100 milliliters of blood per hour.

Level of Impairment

How much is too much? Any amount of alcohol will affect a person's ability to drive to some degree. The degree to which the person is affected depends on how much alcohol is consumed, the length of time over which the alcohol is consumed, the gender and physical size of the person, whether or not the person has eaten, and various other factors.

Florida law establishes the **blood alcohol concentration (BAC)** or **breath alcohol concentration (BrAC)** limit at which an individual is presumed impaired and cannot legally operate a vehicle. Florida Statute s. 316.193 establishes that limit as 0.08 BAC. BAC is expressed in terms of grams of alcohol in every 100 milliliters of blood, and BrAC is expressed as grams of alcohol per 210 liters of breath. Therefore, a level of 0.08 may refer to the blood alcohol level (BAC) or the breath alcohol (BrAC) level.

To understand the effects of drinking on blood alcohol concentration, consider the following example: If a 175-pound man drinks two beers or two shots of whiskey within an hour on an empty stomach, his BAC may climb above 0.04. Two more beers can boost him above 0.08. One more can push him over 0.10 which is a level well above impaired.

LESSON 2 | Legal Issues

LESSON GOAL: At the end of this lesson, you should be able to explain the legal issues related to DUI.

An officer should have a thorough understanding of the impaired driving laws that apply in Florida and should remain up-to-date on the constant case law challenges, if they are to conduct effective DUI enforcement.

Key Terms

Driving under the influence (DUI) refers to a person who is driving, who has driven, or who is in actual physical control of a vehicle while impaired by alcohol or certain substances that adversely affect the auditory, visual, or mental processes.

A person may be in **actual physical control** of a vehicle even though he or she is not actually driving. A person who is physically in, on, or around the vehicle and has the capability to operate the vehicle is legally in actual physical control of the vehicle and can be arrested and prosecuted for DUI. For example, a person who is asleep or passed out in the front seat of a vehicle, with the ignition key in the ignition, is in actual physical control of the vehicle and may be arrested.

Section 316.003(75), F.S., defines a **vehicle** as “every device, in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.” Florida’s Third District Court of Appeal held that the term includes bicycles, and a person biking while under the influence of alcohol could be charged with a DUI (*State v. Howard*, 510 So.2d 612 (3rd DCA 1987), rev. denied, *Howard v. State*, 520 So.2d 584 (Fla. 1988)). Using the logic in the *Howard* opinion, vehicles could also include bicycles, scooters, ATVs, go-carts, golf carts, mopeds, etc.

Within the state includes anywhere in Florida, whether on roadways or public or private property. A person may be arrested for DUI even though he or she never drove onto a road or highway.

Normal faculties include the ability to see, hear, walk, talk, judge distances, drive an automobile, make judgments, act in emergencies, and normally perform the mental and physical acts of daily life.

Miranda Requirements

An officer should always rely on agency policies and procedures and local case law when determining when and under what circumstances *Miranda* warnings are administered to DUI subjects.

OBJECTIVES

LE800.2. Define *driving under the influence (DUI)* as used during a DUI investigation.

LE800.3. Explain *actual physical control* as used during a DUI investigation.

LE800.4. Identify the requirements for *Miranda* warnings during a DUI traffic stop.

LE800.5. Explain *Standardized Field Sobriety Tests (SFSTs)* as used during a DUI investigation.

LE800.6. Define *psychophysical tests* as used during a DUI investigation.

LE128.1. List the criteria for the administration of breath, blood, or urine sample tests based on a DUI investigation.

LE800.7. Explain the concept of *implied consent* as used during a DUI investigation.

LE128.2. Summarize how to ask a vehicle operator, in a professional manner, to consent to the requested test(s) based on the implied consent law.

LE798.7. Identify the Florida Statute limit at which an individual is presumed impaired and cannot legally operate a vehicle.

LE128.3. Explain how to arrange for the legal and timely administration of a breath test, or collection of a blood or urine sample, per agency policy and procedure, during a DUI investigation.

LE800.8. Identify the Florida Statute-defined breath test concentration amount indicating impairment and the need for a DUI citation.

LE128.4. Explain when it is appropriate to request a urine test from a DUI subject during a DUI investigation.

LE800.9. Explain the purpose of obtaining a urine test from a DUI subject during a DUI investigation.

LE800.10. Describe the criteria for obtaining a blood test from a DUI subject as provided in the Florida Statutes during a DUI investigation.

LE800.11. Describe the offense of DUI Second Refusal as provided in the Florida Statutes.

LE800.12. Explain additional requirements for drivers of commercial motor vehicles as provided in the Florida Statutes during a DUI investigation.

LE800.13. Explain the specific requirements for people under the age of 21 during a DUI investigation.

LE800.14. Describe the legal requirements of completing a DUI citation as provided in the Florida Statutes.

LE800.15. List the elements of the offense of driving under the influence provided in the Florida Statutes.

The U.S. Supreme Court has ruled that a law enforcement officer is not required to administer *Miranda* warnings during the course of a traffic stop in which the officer temporarily detains a motorist in order to ask a few brief questions and issue a citation. See *Berkemer v. McCarty*, 468 U.S. 420 (1984). Also, *Miranda* warnings are not typically required prior to administering the **Standardized Field Sobriety Tests (SFSTs)**. The SFSTs are a series of standardized validated psychophysical tests given by law enforcement to determine chemical impairment. **Psychophysical tests** describe field sobriety tests that measure a person's ability to perform both mental and physical tasks simultaneously.

Implied Consent

Any person who accepts the privilege of driving in Florida has consented to submit to any approved chemical or physical test to determine the alcohol content or the presence of a chemical and/or controlled substance in their breath, blood, or urine once they are lawfully arrested for committing an offense while driving or in actual physical control of a vehicle and under the influence. See s. 316.1932(1)(a)1.a., F.S.

Based on this **implied consent**, Florida law requires a lawfully arrested driver of a vehicle to take any breath, blood, or urine test requested by a law enforcement officer. Additionally, drivers may voluntarily submit to the tests. The implied consent warning can be read by a law enforcement officer, corrections officer, or certified breath test operator, but it is recommended that a law enforcement officer read it to the subject if he or she refuses a request to submit as per agency policy and procedures. Figure 11-1 on the following page is an example.

Florida Statutes Impairment Requirements

Florida Statutes s. 316.193 establishes legal presumptions based on the violator's blood or breath alcohol concentration or level. Florida's standard jury instructions give the elements of the crime that the prosecution must prove prior to the subject being convicted. In the case of the crime of DUI, the jury is instructed to presume certain conclusions based on alcohol concentration.

Florida Statutes s. 316.1934 establishes that even if evidence finds that the operator, while driving or in actual physical control, had a blood or breath alcohol level in excess of .05 but less than .08, that fact does not necessarily mean that the operator was not under the influence of alcohol or was to the extent that his or her normal faculties were impaired. The jury may not presume any conclusion that the violator was or was not under the influence of alcoholic beverages to the extent that his or her normal faculties were impaired. Such an alcohol concentration may be considered with other competent evidence (e.g., driving pattern, personal contact, and standardized field sobriety tests) in determining whether the person was under the influence of alcoholic beverages to the extent that his or her normal faculties were impaired.

If the person's alcohol concentration was 0.08 or higher, the jury is instructed to presume that the person was under the influence of alcohol to the extent that his or her normal faculties were impaired.

Implied Consent Warning

I am now requesting that you submit to a lawful test of your BREATH for the purpose of determining the alcoholic content.

I am now requesting that you submit to a lawful test of your BLOOD for the purpose of determining the alcohol content and/or the presence of a chemical and/or controlled substance.

I am now requesting that you submit to a lawful test of your URINE for the purpose of determining the presence of a chemical and/or controlled substance.

Note: Read only if the subject does not comply with your request.

I am _____ of the _____.

If you fail to submit to the test I have requested of you, your privilege to operate a motor vehicle will be suspended for a period of one (1) year for a first refusal, or eighteen (18) months if your privilege has been previously suspended as a result of a refusal to submit to a lawful test of the breath, blood, or urine. Additionally, if you refuse to submit to the test I have requested of you and if your driving privilege has been previously suspended for a prior refusal to submit to a lawful test of your breath, blood, or urine, you will be committing a misdemeanor. Refusal to submit to the test(s) I have requested of you is admissible into evidence in any criminal or administrative proceeding.

Implied consent

Figure 11-1

Also, a person could be guilty of driving or being in actual physical control of a motor vehicle with an unlawful alcohol concentration regardless of impairment. Such evidence may be gathered by a breath test, urine test, or, in some cases, a blood test.

Administering the Breath Test

A certified Breath Test Operator will administer the breath test to an arrested driver per agency policy.

If the results of the test indicate an alcohol concentration of 0.08 or higher, the officer needs to complete a DUI Citation. Officers must write the breath test results on the citation. If the result is below a 0.08, the officer should complete a Uniform Traffic Citation for the charge of DUI based on the probable cause for the arrest. If the subject refuses to submit to the breath test, an officer should complete a DUI Citation and mark the box for "Refusal."

Some jail facilities may require medical assistance for extremely impaired subjects. Regardless of the person's alcohol concentration, an officer's observations should indicate whether a person needs immediate medical attention.

Urine Test

If a breath test result is below a 0.08 and an officer has probable cause to believe that the subject is impaired by substances other than alcohol, the officer should request a urine test. The urine test may determine if drugs are in the subject's system and are possibly causing the impairment. In such a situation, request for the subject to submit to a urine test and be given the Implied Consent Warning if the test is refused. The urine sample will be collected according to agency policies and procedures. The officer should write "urine results pending" in the Comments section on the issued Uniform Traffic Citation.

Blood Test

You can request blood based on the following criteria per s. 316.1932(1)(c), F.S. and your agency's policy:

- There is reasonable cause to believe the individual was under the influence of alcohol or a chemical or controlled substance while driving or in actual physical control of a vehicle.
- The breath test was impractical or impossible to give. (Document the reason why.)
- The subject is at a medical facility for treatment.

All blood draws must be conducted at a medical facility, as defined by s. 316.1932(1)(c), F.S. Someone who is unable to have withdrawn consent (such as an unconscious subject) is deemed to have given consent to the test. The subject need not be under arrest for an officer to request a blood draw under implied consent. Other lawfully arrested subjects who may be suspected of impaired driving and who appear at a medical facility may be requested to submit to a blood draw. If they refuse, they should be read the Implied Consent Warning and asked again for a blood sample.

A person suspected of DUI who kills or seriously injures any person, including the driver, is required to submit to a blood test according to s. 316.1933, F.S.

According to ss. 316.1932(1)(f)2.a. and 316.1933(2)(a), F.S., only specified personnel are authorized to draw blood. You are responsible for ensuring that the blood is drawn according to established procedures. You need to verify the following: the blood kit has not expired, the blood is collected in the appropriate vial, an authorized person collects the blood, and the vial labels contain the subject's name, date, and the time the blood was collected as well as the initials of the person drawing the blood. It is a good idea for you to initial the label to show that you verified the necessary information. If asked to identify the vial in court, seeing the initials could prove beneficial. Due to the serious nature of the DUI offense, you must follow your agency's procedure for obtaining blood.

Refusal Affidavit

The State of Florida Refusal Affidavit must be completed in conjunction with a DUI Citation issued for a refusal to submit to a chemical test. The Department of Highway Safety and Motor Vehicles provides refusal affidavits to law enforcement agencies. You must complete this form, notarize it, and forward it to the DHSMV as part of the DUI arrest report.

DUI Second or Subsequent Refusal

If a subject is placed under lawful arrest for the offense of DUI, refuses to submit to a lawfully requested test of his or her breath/urine/blood, and has had his or her driving privilege suspended before for refusing

to submit to a lawful test of his or her breath, urine or blood, the subject commits the offense of Refusal to Submit to Testing per s. 316.1939, F.S. The original refusal information can be verified by checking FCIC/NCIC, DAVID databases, and/or criminal history. The officer shall place this additional charge on the Probable Cause Affidavit and issue a Uniform Traffic Citation. The charge of a Refusal to Submit to Testing is a misdemeanor of the first degree. You also must complete an Affidavit of Refusal to Submit to Breath, Urine, or Blood Test.

Commercial Motor Vehicle DUI Investigations

An officer needs to know that there are certain statutes concerning the operation of a commercial motor vehicle, as defined in s. 322.01(8), F.S., while the driver is impaired. See ss. 322.61, 322.62, 322.63, 316.1932, and 322.64, F.S.

A person who has any alcohol in his or her body may not drive or be in actual physical control of a commercial motor vehicle in this state. See s. 322.62(1), F.S. Any driver in violation of this section must be placed out-of-service immediately for a period of 24 hours. Have a responsible party pick up the vehicle or have the vehicle towed, depending on the situation and agency policy.

If a driver is arrested for a violation of s. 316.193, F.S., or is in possession of a controlled substance while operating or in actual physical control of a motor vehicle or a commercial motor vehicle, the driver may be subject to the loss of his or her commercial driver license (CDL) for a period of one year. This penalty also applies if the driver refuses to submit to a breath, urine, or blood test to determine alcohol concentration, or if the driver is driving a commercial motor vehicle with an alcohol concentration of 0.04 or higher. Other conditions and penalties may also apply, depending on the circumstances.

If you suspect a DUI violation, conduct a DUI investigation using the same process for determining impairment: conduct the SFSTs, follow arrest procedures, administer the chemical or physical tests, and complete the necessary documentation. This documentation also requires the use of the Notice of Commercial Driver License Privilege Disqualification form available from DHSMV.

Drivers Under 21 Years of Age (0.02 Violation)

If an officer is involved in a DUI investigation with a driver under the age of 21, the officer should conduct the investigation using the same process for determining impairment: conduct the SFSTs, follow arrest procedures, administer the chemical or physical tests, and complete the necessary documentation.

If the DUI investigation does not result in a DUI arrest, but there is evidence that the driver has been consuming alcohol, you may then request a breath test to determine the driver's alcohol concentration. If the driver's alcohol concentration level is at or above 0.02, or if he or she refuses to submit to a breath test, his or her driver's license privilege will be suspended. The driver is not arrested but is subject to administrative penalties, even if he or she provides a sample over a 0.08. Take the driver's license and issue a Notice of Suspension. After issuing a Notice of Suspension, release the driver, as according to agency policies and procedures.

Portable Breath Test (PBT)

Portable breath test devices may not be used for DUI arrests. They may be used for violations such as drivers under 21 years of age (0.02 violation) or for commercial motor vehicle enforcement when there is insufficient evidence of DUI.

SECTION VOCABULARY*actual physical control**driving under the influence (DUI)**implied consent**normal faculties**psychophysical tests**Standardized Field Sobriety Tests (SFSTs)**vehicle**within the state***DUI Citation**

The DUI citation must be completed accurately. This citation is not only a charging document; it is also required to authorize the Department of Highway Safety and Motor Vehicles to suspend the subject's driving privilege. If the subject has an alcohol concentration of 0.08 or above, or refuses chemical testing, seize his or her driver's license and attach it to the blue or transmittal copy of the DUI citation per s. 316.650, F.S. You or your agency should forward the license and a copy of it to the Department of Highway Safety and Motor Vehicles for an administrative suspension per agency policy.

The DUI Citation is very similar to the Uniform Traffic Citation, except the DUI Citation is used either for a DUI with an alcohol concentration of 0.08 or higher or when the violator has refused any chemical test after being lawfully arrested. The DUI Citation should be filled out in the same manner as a Uniform Traffic Citation, including citing the appropriate violated Florida Statute. However, a DUI citation has additional fields that must be completed regarding the following:

- if the subject refuses (confiscate his or her driver's license)
- if the subject is eligible for a permit
- if the subject's license was surrendered
- the location of the Department of Highway Safety and Motor Vehicles Hearing Office

Conviction

Florida law provides the following definition of driving under the influence in s. 316.193, F.S.:

1. A person is guilty of the offense of driving under the influence and is subject to punishment as provided in subsection (2) if the person is driving or in actual physical control of a vehicle within this state and:
 - (a) The person is under the influence of alcoholic beverages, any chemical substance set forth in s. 877.111, F.S., or any substance controlled under chapter 893, F.S., when affected to the extent that the person's normal faculties are impaired;
 - (b) The person has a blood-alcohol level of 0.08 or more grams of alcohol per 100 milliliters of blood; or
 - (c) The person has a breath-alcohol level of 0.08 or more grams of alcohol per 210 liters of breath.

In order to arrest someone for a DUI offense, a law enforcement officer must have probable cause to believe that all elements of the offense are present. To convict a person of a DUI offense, it is necessary to show beyond a reasonable doubt that all the elements of the offense were present.

LESSON 3 | Introduction to DUI Detection

LESSON GOAL: At the end of this lesson, you should be able to state the Three Phases of DUI Detection, know the questions that must be answered in each phase, and describe the reliability of the SFSTs.

Overview of DUI Detection

DUI detection process generally means the entire process of identifying and gathering evidence accumulated to determine whether or not a subject should be arrested for a DUI offense. The detection process begins when a law enforcement officer first suspects that an individual may be driving under the influence and ends when that officer determines whether there is sufficient probable cause to arrest the subject for DUI. Effective DUI enforcers do not immediately decide whether to arrest or not arrest a driver. Rather, they proceed carefully through a series of intermediate steps, each of which helps to identify the collective evidence.

The typical DUI investigation involves three phases:

- **Phase One: Vehicle in motion**—Observation of the driver operating the vehicle.
- **Phase Two: Personal contact**—After the vehicle stops, there usually is an opportunity to observe and speak with the driver face-to-face.
- **Phase Three: Pre-arrest screening**—Administration of some structured standardized field sobriety tests (SFSTs) to the driver to determine impairment.

The DUI detection process does not always include all three phases. Sometimes contact with a DUI detection officer is absent in Phase One, for example, in cases in which the driver is passed out behind the wheel of a vehicle that is not in motion. This may also occur at the scene of a traffic crash or when you have responded to a request for motorist assistance. Sometimes there are DUI contacts in which Phase Three never occurs, so you would not administer formal tests to the driver. These may occur when the driver is so impaired or injured that he or she cannot perform the tests, or he or she refuses to submit to the tests.

Major Decision Outcomes

At the conclusion of each phase an officer will make a major decision in the DUI investigation. The decision can have one of three different outcomes: Yes—Do It Now, Wait—Look for Additional Evidence, or No—Don't Do It. Consider the following examples:

OBJECTIVES

LE800.16. Summarize the general *DUI detection process* as used during a DUI investigation.

LE800.17. Explain the decisions and possible outcomes that an officer can arrive at during the three phases of DUI detection.

LE800.18. Describe the reliability and validity of the Standardized Field Sobriety Tests based on NHTSA research.

Phase One: Vehicle in motion

Question: Should I stop the vehicle?

Yes: **Do It Now:** There is reasonable suspicion to stop the vehicle

Wait: **Look for Additional Evidence:** Don't stop the vehicle yet; keep following and observing it a bit longer.

No: **Don't Do It:** There are no grounds for stopping the vehicle.

Phase Two: Personal contact

Question: Should I have the driver exit the vehicle?

Yes: **Do It Now:** There is enough reason to suspect impairment to justify getting the driver out of the vehicle for further investigation.

Wait: **Look for Additional Evidence:** Don't get the driver out of the car yet; keep talking to and observing the driver a bit longer. (This option may be limited if the officer's personal safety is at risk.)

No: **Don't Do It:** There isn't enough evidence of DUI to justify administering field sobriety tests.

Phase Three: Pre-arrest screening

Question: Should I arrest the driver?

Yes: **Do It Now:** There is probable cause to arrest the driver for DUI right now.

Wait: **Look for Additional Evidence:** Don't arrest the driver yet; administer another field sobriety test before deciding.

No: **Don't Do It:** No, there is not probable cause to believe the driver has committed DUI.

In each phase of detection, you must determine whether there is sufficient evidence to establish the reasonable suspicion necessary to proceed to the next step in the detection process. Your duty is to carry out whatever tasks are appropriate and to make sure that all evidence of DUI is brought to light.

The main goals of DUI detection are:

- to identify the three phases in DUI detection
- to take adequate field notes and write comprehensive reports
- to present evident in DUI in court

The most successful DUI detectors are those officers who:

- know what to look and listen for
- have the skills to ask the right kinds of questions
- choose and use the right types of tests

- make the correct observations
- are motivated and apply their knowledge and skills whenever they contact someone who may be under the influence

Officers like these are likely to make more arrests and to document the clear, convincing evidence needed to secure convictions.

Research and Development of SFSTs

For many years, law enforcement officers have utilized field sobriety tests to determine the impairment of a person's driving due to alcohol influence. The performance of the person on those field sobriety tests was used by the officer as evidence in court and to develop probable cause for arrest. A wide variety of field sobriety tests existed, and there was a need to develop a battery of standardized valid tests.

Beginning in late 1975, extensive scientific research studies were sponsored by NHTSA through a contract with the Southern California Research Institute (SCRI) to determine which roadside field sobriety tests were the most accurate. SCRI published the following three reports:

- California: 1977 (Lab)
- California: 1981 (Lab and Field)
- Maryland, District of Columbia, Virginia, North Carolina, 1983 (Field)

SCRI traveled to law enforcement agencies throughout the United States to select the most commonly used field sobriety tests. Six tests were used in the initial stages of this study.

Laboratory research indicated three tests that, when administered in a standardized manner, were the most accurate and reliable battery of tests for distinguishing alcohol impairment:

- Horizontal Gaze Nystagmus (HGN—will be defined and explained in Lesson 5)
- Walk-and-Turn (WAT—will be defined and explained in Lesson 5)
- One-Leg Stand (OLS—will be defined and explained in Lesson 5)

These tests will be discussed in detail in Lesson 5. The final phase of this study was conducted as a field validation.

- Standardized, practical, and effective procedures were developed.
- The tests were determined to discriminate between impaired and unimpaired drivers in the field, as well as in the laboratory.

The three standardized tests were found to be highly reliable in identifying subjects whose alcohol concentrations were above the legal limit. The results of the study unmistakably validated the SFSTs.

SFST Updated Validation Studies

Three SFST validation studies were undertaken between 1995 and 1998:

- Colorado: 1995
- Florida: 1997
- San Diego: 1998

SECTION VOCABULARY**DUI detection process**

The Colorado SFST validation study was the first full field study that utilized law enforcement personnel experienced in the use of SFSTs.

- The initial study utilized only a few experienced officers in DUI enforcement in both a laboratory setting and field setting.
- Correct arrest decisions were made 93 percent of the time based on the three-test battery (HGN, WAT, OLS). These results were substantially higher than the initial study results.

The Florida SFST field validation study was undertaken in order to answer the question of whether SFSTs are valid and reliable indices of the presence of alcohol when used under present day traffic and law enforcement conditions.

- Correct decisions to arrest were made 95 percent of the time based on the three-test battery (HGN, WAT, OLS).
- The study showed that the SFST three-test battery is the only scientifically validated and reliable method for discriminating between impaired and unimpaired drivers.

The 1998 San Diego SFST validation field study was undertaken because of the nationwide trend towards lowering the alcohol concentration limits to 0.08. The question to be answered was “Do SFSTs discriminate at an alcohol concentration below 0.10?” The study was published by NHTSA and provided clear evidence of the validity of the SFST battery that was repeatable across the country.

- Correct arrest decisions were made 91% of the time based on the three-test battery (HGN, WAT, OLS).
- HGN, by itself, was 88% accurate.
- Walk-and-Turn, by itself, was 79% accurate.
- One-Leg Stand, by itself, was 83% accurate.

The results of these studies provided clear evidence of the validity of the three-test battery to support arrest decisions at, above, or below 0.08. It strongly suggests that the SFSTs also accurately discriminate alcohol concentration at 0.04 and above.

LESSON 4 | Drug-Impaired Driving

LESSON GOAL: At the end of this lesson, you should understand that drugs, both prescribed and illegally obtained, may affect the ability to drive; you will also learn about general indicators of polydrug use.

Drug Impairment

Law enforcement officers encounter not only drivers driving under the influence of alcohol, but also those who may be impaired due to the use of legal or illegal drugs. The best available data suggests that tens of millions of Americans routinely use drugs other than alcohol, and some of these people sometimes drive when they are under the influence of those drugs.

A **drug** is any substance that, when taken into the human body, can impair the ability of the person to operate a vehicle safely. There are seven broad categories of drugs that may impair drivers. These drugs are classified by category based on the observable indicators and symptoms they produce. Advanced training is available to become a drug recognition expert (DRE). However, for a driver to be convicted of DUI, the drug must be a controlled substance per chapter 893 or a chemical substance per s. 877.111, F.S.

Some drug-impaired drivers look and act very much like alcohol-impaired drivers. Others look and act very differently. All of them are dangerous to themselves and to everyone else on the road.

Drug Combinations

Officers may encounter subjects who are impaired by a combination of drugs or who use alcohol to mask illegal drug use. **Polydrug use** is using drugs from two or more drug categories simultaneously. Examples include drinking alcohol while smoking marijuana, sprinkling PCP on marijuana joints, or injecting heroin laced with cocaine (“speedball”). Such combinations often increase impairment. Impairment could also occur unintentionally through the use of alcohol and prescription medication.

Polydrug use may produce the following effects:

- **Null:** Neither drug has an effect on the indicator. For example, neither a Central Nervous System Stimulant nor a Narcotic Analgesic will cause Horizontal Gaze Nystagmus (HGN); therefore, HGN will not be present.
- **Overlapping:** One drug affects some indicator of impairment, and the other drug has no effect whatsoever on that indicator. For example, alcohol will cause HGN, but marijuana will not cause HGN. Therefore, HGN will be present.

OBJECTIVES

- LE764.1.** Observe that a driver may be under the influence of a legal or illegal drug that impairs the ability to safely operate a vehicle.
- LE764.2.** Describe the problem of polydrug use in an impaired driving situation.
- LE764.3.** Explain the possible effects of polydrug use in an impaired driving situation.
- LE764.4.** Explain indicators that may suggest an impaired driver is under the influence of medication in an impaired driving situation.
- LE764.5.** Define a drug recognition expert (DRE), in relation to an impaired driving investigation.

SECTION VOCABULARY*drug recognition expert (DRE)**drug**Polydrug use*

- **Additive:** Drugs from two categories both affect some indicator in the same way, and these effects reinforce each other when combined. For example, CNS Stimulants and Hallucinogens both cause pupil dilation; therefore, pupils will be dilated.
- **Antagonistic:** Drugs from two categories may produce some effects that are exactly the opposite, but, in combination, the effects are difficult to predict. For example, cocaine dilates the pupils, and heroin constricts the pupils. The eyes may be dilated, constricted, or normal.

Medication Effects

Some driver behaviors and physical reactions may suggest that an impaired driver may be under the influence of medication (either prescribed or obtained illegally). One indicator is the absence of the odor of alcoholic beverages. Prescription bottles, leftover pills, or drug paraphernalia may be in the driver's possession or in the vehicle. The driver (or a passenger) may volunteer information regarding use of medication. The driver's license may indicate insulin dependence.

If one or more indicators are present, the driver may be in legal possession of prescription medication. However, if the effects of the prescribed medication impair the driver's ability to drive, the driver should be treated the same as someone impaired by illegal drugs or alcohol. If the officer determines that there are indicators of impairment, he or she should administer the SFSTs.

Become familiar with your agency's policies and procedures for handling drug- or medically-impaired subjects.

Using a Drug Recognition Expert

A *drug recognition expert (DRE)* is specially trained and certified in investigations involving drug-impaired drivers. He or she will be able to testify in court in great detail and provide expert opinions regarding drug impairment. An officer who has a suspected drug-impaired driver should consider contacting a local DRE to assist in the investigation, per agency policy.

LESSON 5 | Conducting the DUI Investigation

LESSON GOAL: At the end of this lesson, you should be able to understand how the entire DUI investigation is organized, including specifics of the three phases of DUI detection.

Divided Attention Tasks

Safe driving demands the ability to divide attention among various tasks. **Divided attention** simply means the ability to concentrate on two or more tasks at the same time. While under the influence of alcohol and other drugs, a driver's ability to divide attention is impaired. As a result, the impaired driver tends to concentrate on only the most important or critical parts of driving and disregard the less important parts, often creating unexpected or dangerous situations for other drivers. An impaired driver may have difficulty in steering, controlling the accelerator, signaling, and making decisions (whether to stop, turn, speed up, slow down, etc.). Divided attention impairment can be observed during the following three Phases of DUI Detection.

Phases of DUI Detection

Phase One: Vehicle in Motion

The first task in Phase One is to observe the vehicle in operation. Based on this observation, you must decide whether there is reasonable suspicion to command the driver to stop. The second task is to observe the stopping sequence. The following questions may be helpful:

- What is the vehicle doing?
- Do I have grounds to stop the vehicle?
- How does the driver respond to my signal to stop?
- How does the driver handle the vehicle during the stopping sequence?

DUI Detection Phase One begins when an officer observes the vehicle in motion. Your attention may be drawn to the vehicle by things such as it committing a traffic violation, an equipment violation, having an expired registration, or making unusual driving actions such as weaving within a lane or moving at slower than normal speed. You may also view evidence of drinking or drugs in the vehicle.

If this initial observation discloses vehicle maneuvers or human behaviors that may be associated with impairment, you may develop an initial suspicion of DUI.

Based upon this initial observation of suspicious or unusual driving patterns of the vehicle in motion, your major decision is whether there is reasonable suspicion to stop the vehicle. At this point you have three choices: stop the vehicle for further investigation, continue to observe the vehicle, or take no action.

OBJECTIVES

LE722.1. Explain *divided attention* as it relates to impairment during a DUI investigation.

LE722.2. Analyze a vehicle in motion to identify suspicious or unusual driving patterns to determine reasonable suspicion of impairment during Phase One Vehicle in Motion.

LE722.3. Define *cue* as it relates to Phase One Vehicle in Motion of a DUI investigation.

LE722.4. Describe the use of visual cues to develop reasonable suspicion of a possible impaired driver during a DUI investigation.

LE722.5. List what an officer might observe after giving the command to stop to a potentially impaired driver.

LE722.6. Summarize Phase Two Personal Contact in a typical DUI investigation.

LE722.7. Define *clue* as it relates to noting observable driver behavior during the performance of the SFSTs and to potential impairment during Personal Contact (Phase Two) of a DUI investigation.

LE722.8. Describe how to use the senses during face-to-face contact to detect clues of impairment during a DUI investigation.

LE722.9. Identify medical conditions with clues that may mimic alcohol or drug impairment to determine if a DUI investigation is warranted.

LE722.10. Describe the general eye examinations that an officer can conduct to assess for possible medical impairment.

LE722.11. Explain pre-exit interview techniques and additional tests to determine if reasonable suspicion of impairment indicates that further investigation of suspected DUI is warranted during Phase Two Personal Contact.

LE722.12. Assess the manner in which the driver exits the vehicle to determine reasonable suspicion of impairment indicating that further investigation of suspected DUI is warranted during Personal Contact (Phase Two).

LE722.13. Summarize Phase Three Pre-Arrest Screening in a typical DUI investigation.

LE010.1. Prepare to administer the Standardized Field Sobriety Tests (SFSTs) to a suspected impaired vehicle driver in accordance with agency policies and procedures.

LE010.2. Name the three Standardized Field Sobriety Tests used to detect alcohol or drug impairment.

LE010.3. Explain nystagmus as used during a DUI investigation.

LE010.4. Define Horizontal Gaze Nystagmus (HGN) as used during a DUI investigation.

LE010.5. Define Vertical Gaze Nystagmus (VGN) as used during a DUI investigation.

LE010.6. Explain the three categories of nystagmus as applied to a DUI investigation.

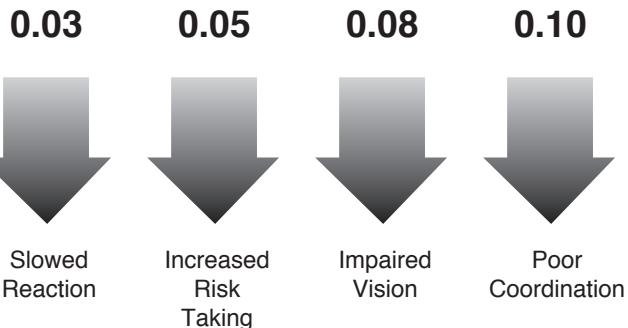
Initial Observations: Visual Cues to DUI

The common effects of alcohol on the driver's mental and physical faculties lead to predictable driving violations and vehicle operating characteristics. These include:

- slowed reactions
- impaired judgment as evidenced by a willingness to take risks
- impaired vision
- poor coordination (See Figure 11-2)

Common Symptoms of Alcohol Influence

Blood Alcohol Concentration



Common symptoms of alcohol influence

Figure 11-2

The National Highway Traffic Safety Administration sponsored research to identify the most common and reliable initial indicators of DUI. This research identified a series of cues, each with a high probability that the driver exhibiting the cue is impaired. A **cue** is a reminder, prompt or a signal to do something, e.g., take enforcement action or observe the vehicle more closely.

The following are cues which law enforcement officers may use to detect impaired drivers. The cues were developed from a list of more than 100 driving cues that have been found to predict alcohol concentrations of 0.08 or greater.

Visual Cue Descriptions

1. Problems Maintaining Proper Lane Position

Weaving: Weaving occurs when the vehicle alternately moves toward one side of the roadway and then the other, creating a zigzag course. The pattern of lateral movement is relatively regular as one steering correction is closely followed by another.

Weaving Across Lane Lines: Extreme cases of weaving occur when the vehicle's wheels cross the lane lines before correction is made.

Straddling a Lane Line: The vehicle is moving straight ahead with the center or lane marker between the left-hand and right-hand wheels.

Swerving: A swerve is an abrupt turn away from a generally straight course. Swerving might occur after a period of drifting when the driver discovers the approach of traffic in an oncoming lane or discovers that the vehicle is going off the road. It may also occur as the driver executes an abrupt turn to return the vehicle to the traffic lane.

Turning with Wide Radius: During a turn, the radius defined by the distance between the turning vehicle and the center of the turn is greater than normal. The vehicle may drive wide in a curve.

Drifting: Drifting is a straight-line movement of the vehicle at a slight angle to the roadway. As the driver approaches a marker or boundary (lane marker, center line, edge of the roadway), the direction of drift might change. Drifting can occur within a single lane, across lanes, across the center line, or onto the shoulder.

Almost Striking Object or Vehicle: The observed vehicle almost strikes a stationary object or another moving vehicle.

2. Speed and Braking Problems

Stopping Problems: Stopping problems may include stopping abruptly or too far from a curb, at an inappropriate angle, too short or beyond the intersection limit line, or with a jerking motion.

Accelerating or Decelerating Rapidly: This cue encompasses any acceleration or deceleration that is significantly more rapid than that required by the traffic conditions. Rapid acceleration might be accompanied by breaking traction; rapid deceleration might be accompanied by an abrupt stop.

Varying Speed: A driver may alternate between speeding up and slowing down.

Slow Speed: The observed vehicle is traveling at a speed that is 10 mph or more below the speed limit.

LE722.14. Explain why divided attention tests are effective in detecting impairment.

LE010.7. Explain the clues officers may observe in an impaired person during the Walk-and-Turn test.

LE010.8. List the clues officers may observe in an impaired person during the One-Leg Stand test.

LE010.9. Identify if probable cause to arrest exists following the tests and in accordance with agency policies and procedures.

LE722.15. Explain how to make a decision to arrest a subject for DUI based on sufficient probable cause, the totality of the circumstances, and according to agency policy.

LE010.10. Make a legal arrest of a suspected impaired driver if probable cause exists, or a release in accordance with agency policies and procedures.

LE722.16. Complete any additional processing tasks required to thoroughly conclude the DUI investigation.

LE722.18. Explain what is involved in a post-arrest Twenty-Minute Observation period in a typical DUI investigation.

3. Vigilance Problems

Driving in Opposing Lanes or Wrong Way on a One-way Street: The vehicle is heading into opposing or crossing traffic by driving in the opposing lane, backing into traffic, failing to yield the right-of-way, or driving the wrong way on a one-way street.

Slow Response to Traffic Signals: The observed vehicle exhibits a longer than normal response to a change in traffic signal.

Slow or Failure to Respond to Officer's Signals: The driver is unusually slow to respond to an officer's lights, siren, or hand signals.

Stopping in Lane for No Apparent Reason: The critical element in this cue is that there is no observable justification for the vehicle to stop in the traffic lane.

Driving Without Headlights: The observed vehicle is being driven without headlights during a period of the day when headlights are required.

Failure to Signal or Signal Inconsistent with Action: This cue occurs when you observe inconsistencies such as failing to signal a turn or a lane change, signaling opposite to the turn or lane change executed, signaling constantly with no accompanying driving action, and driving with four-way hazard flashers on.

4. Judgment Problems

Following Too Closely: The vehicle is following another vehicle while not maintaining the legal minimum separation.

Improper or Unsafe Lane Change: The driver takes risks or endangers others by frequently or abruptly changing lanes without regard to other motorists.

Illegal or Improper Turn: The driver executes any turn that is abnormally abrupt or is illegal, such as turning with excessive speed, turning sharply from the wrong lane, or making an illegal U-turn.

Driving on Other than a Designated Roadway: The driver maneuvers onto an area other than the designated roadway. Examples include driving at the edge of the roadway, on the shoulder, off the roadway entirely, or straight through turn-only lanes or areas.

Stopping Inappropriately in Response to an Officer: The vehicle stops in an inappropriate location, such as a prohibited zone, crosswalk, intersection, or sidewalk, or under inappropriate conditions such as a green or flashing yellow traffic signal.

Inappropriate or Unusual Behavior: The driver or occupants display inappropriate or unusual behavior such as throwing objects from the vehicle, drinking in the vehicle, or urinating on the roadside.

Appearing to Be Impaired: This cue is actually one or more indicators related to the personal behavior or appearance of the driver. Examples of specific indicators might include eye fixation, tightly gripping the steering wheel, slouching in the seat, gesturing erratically or obscenely, holding face close to the windshield, or protruding head from the vehicle.

5. Post-Stop Cues

An officer may observe any of the following behaviors in the driver after he or she stops the vehicle:

- difficulty with motor vehicle controls
- difficulty exiting the vehicle
- fumbling with driver's license or paperwork
- repeating questions or comments
- swaying, unsteady, or having balance problems
- leaning on the vehicle or other object
- slurred speech
- slow to respond to officer/officer must repeat questions
- provides incorrect information, changes answers
- odor of alcoholic beverage from the driver

6. Visual Detection of DUI Motorcyclists

NHTSA has also developed research identifying driving impairment cues for motorcyclists.

Excellent Cues (50% or greater probability that the driver is impaired)

- drifting during turn or curve
- trouble with dismount
- trouble with balance at a stop
- turning problems (e.g., unsteady, sudden corrections, late braking, improper lean angle)
- inattentive to surroundings
- inappropriate or unusual behavior (e.g., carrying or dropping object, urinating at roadside, disorderly conduct)
- weaving

Good Cues (30 to 50 percent probability that the driver is impaired)

- erratic movements while going straight
- operating without lights at night
- recklessness
- following too closely
- running stop light or sign
- evasion
- going the wrong way

The Stopping Sequence

The second task during Phase One of the detection process involves observation. These observations reinforce the suspicion of DUI during the stopping sequence. After you give the command to stop, the impaired driver may exhibit additional important evidence of DUI. These observations may include the following:

- an attempt to flee
- no response
- a slow response
- an abrupt swerve
- a sudden stop
- striking the curb or another object

Some of these cues are exhibited because the stop command places additional demands on the driver's ability to divide attention. The signal to stop creates a new situation with which the driver must cope. Officers must be able to recognize evidence of impairment and describe that evidence clearly and convincingly.

Once a vehicle is stopped, an officer should not ask a suspected impaired driver to move to a safer location. If the driver is impaired and an officer has directed him or her to move, the officer may be liable for any injuries or property damage sustained during the move.

Phase One: Vehicle in motion

Question: Should I stop the vehicle?

Yes: Do It Now: There is reasonable suspicion to stop the vehicle

Wait: Look for Additional Evidence: Don't stop the vehicle yet; keep following and observing it a bit longer.

No: Don't Do It: There are no grounds for stopping the vehicle.

Phase Two: Personal Contact

When an officer recognizes a visual cue for stopping a vehicle he or she should proceed carefully and not rush to assume DUI. Ascertain if the driver may be ill, tired or has a medical impairment which would be detectable during personal contact. The first task in Phase Two is a face-to-face observation and interview of the driver to determine if the driver may be impaired. Based on this observation, the major decision is whether to instruct the driver to step from the vehicle for further investigation. At this point, there are three choices: have the driver exit, continue to interview the driver while observing for additional evidence, or conclude the interview if you don't observe any impairment. The second task is to observe the driver's exit and walk from the vehicle. Ask yourself the following questions:

- When I approach the vehicle, what do I see?
- When I talk with the driver, what do I hear, see, and smell?
- How does the driver respond to my questions?
- Should I instruct the driver to exit the vehicle?
- How does the driver exit?
- When the driver walks toward the side of the road, what do I see?

DUI Detection Phase Two comprises two major evidence gathering tasks and one major decision. The first task is to approach, observe, and interview the driver while he or she is still in the vehicle to note any evidence of impairment. During this face-to-face contact, you may employ some interviewing techniques to gain additional information to evaluate whether the driver may be impaired.

After this evaluation, decide whether to ask the driver to exit the vehicle for further field sobriety testing. In some jurisdictions, departmental policy may dictate that officers instruct all drivers stopped on suspicion of DUI to exit. As the driver exits the vehicle, observe the manner in which he or she exits to note any additional evidence of impairment.

Remember, you may initiate Phase Two without Phase One. This may occur, for example, if the driver is passed out at the wheel or when you have responded to the scene of a crash.

The first task of Phase Two—observation and interview of the driver—begins as soon as both the subject vehicle and the patrol vehicle have come to complete stops. It continues through your approach to the subject vehicle and involves all conversation between you and the driver prior to the driver's exit from the vehicle. In some cases, your initial face-to-face contact with the driver may provide the first indications that the driver is impaired. For example, you stop a vehicle for an equipment violation and only see indicators of impairment as you interview the driver.

Face-to-face observation and interview of the driver allow you to use three senses to gather evidence of alcohol and other drug influence: sight, hearing, and smell.

Sight

There are a number of things you might see during the interview stage that would be describable clues or evidence of alcohol and other drug influence. A **clue** is something that leads to the solution of a problem, such as a fingerprint or DNA evidence. In a DUI investigation, this includes using the three senses to note observable facts that are used as potential evidence of alcohol and other drug influence. Clues are also the behaviors observed during the performance of the standardized field sobriety tests.

Some specific DUI clues detectable by sight include:

- bloodshot eyes
- soiled clothing
- fumbling fingers
- alcohol containers
- drugs or drug paraphernalia
- bruises, bumps, or scratches
- unusual actions

Hearing

You might hear these things during the interview, which would be describable clues or evidence of alcohol and other drug influence:

- slurred speech
- admission of drinking
- inconsistent responses
- abusive language
- unusual statements

Smell

There are things you might smell during the interview that would be describable clues or evidence of alcohol and other drug influence. Typically these include the following examples:

- alcoholic beverages
- marijuana
- cover up odors like breath sprays
- cigarette or cigar

Medical Conditions that Mimic Impairment

Certain medical conditions may mimic drug- or alcohol-induced impairment. The officer should check for a medical alert information card or for medical restrictions on the driver's license, or look for a medic alert ID bracelet to determine if a medical problem might be the cause of the suspicious driving. Some of the causes of abnormal behavior may include medical conditions such as epilepsy, diabetes, injury to the head, or cognitive problems (dementia or Alzheimer's).

A diabetic driver's behavior may be impacted, for instance, when sugar levels are too high. At this time, his or her breath could emit an odor similar to that of an alcoholic beverage or the driver could demonstrate a comprehension or awareness problem.

Officers should follow their department's policies and procedures for handling these cases. If you do not suspect a medical condition, and other signs of drug- or alcohol-impairment are present, continue with the DUI investigative process.

A driver's eyes can be examined for medical impairment. If his or her pupils are noticeably unequal in size, if the eyes are jerking as the subject looks straight ahead (resting nystagmus), or if the eyes do not track together, there is a chance that a medical disorder or injury is causing the nystagmus. The examinations that an officer can conduct to assess possible medical impairment include noticing the following:

- pupil size
- resting nystagmus
- tracking ability

Tracking ability is the ability of the eyes to track together when the subject attempts to follow a stimulus moving side-to-side. The driver may have a medical condition or injury if the two eyes do not track together; for example, if one eye has full range of motion, but the other moves only slightly or not at all.

Pre-Exit Interview Stage Techniques

During the face-to-face observation and interview stage, you may use a number of interview techniques while the driver is still behind the wheel. Most of these apply the concept of divided attention tasks. They require the driver to concentrate on two or more things at the same time. They include both questioning techniques and psychophysical tasks.

Note: These techniques are not as reliable as the Standardized Field Sobriety Tests, but they can still be useful for obtaining evidence of impairment to establish probable cause. These techniques and the following Pre-Exit Tests do not replace the Standardized Field Sobriety Tests.

The questions you ask and the way in which you ask them can constitute simple divided attention tasks. Three techniques are particularly pertinent:

- asking for two things in one request
- asking interrupting or distracting questions
- asking unusual questions

An example of the first technique, asking for two things in one request, is requesting that the driver produce both the driver's license and the vehicle registration. Possible evidence of impairment may come to light as the driver responds to this dual request. Be alert for the driver who:

- forgets to produce both documents
- produces documents other than the ones requested
- fails to see the license, registration, or both while searching through wallet or purse
- fumbles or drops wallet, purse, license, or registration
- is unable to retrieve documents using fingertips

The second technique, asking interrupting or distracting questions, forces the driver to divide attention between searching for the license or registration and answering a new question. While the driver is responding to the request for license, registration, or both, you ask an unrelated question like, "Without looking at your watch, what time is it right now?" Possible evidence of impairment may be disclosed by the interrupting or distracting question. Be alert for the driver who:

- ignores the question and concentrates only on the license or registration search
- stops searching to answer question, then forgets to resume the search after answering the question
- supplies a grossly incorrect answer to the question

Use the third technique, asking unusual questions, after you have obtained the driver's license and registration. With this technique, you seek verifying information through unusual questions.

Unusual questions require the driver to process information; this can be especially difficult when the driver does not expect to have to process information. For example, a driver may respond to a question about his or her middle name by giving a first name.

Additional Pre-Exit Tests

If you need additional evidence, you can use the following additional tests for pre-exit testing. Only employ these in compliance with agency policies and procedures. In addition, you should know if there are any judicial restraints in reference to these tests.

Alphabet

This test requires the subject to recite a part of the alphabet. Instruct the subject to recite the alphabet beginning with a letter other than A and stopping at a letter other than Z. For example, you might say to a driver, “Recite the alphabet, beginning with the letter E as in Edward and stopping with the letter P as in Paul.” This divides the driver’s attention because the driver must concentrate to begin at an unusual starting point and recall where to stop.

Count Down

This test requires the subject to count out loud 15 or more numbers in reverse sequence. For example, you might request a driver to, “Count out loud backwards, starting with the number 68 and ending with the number 53.” This, too, divides attention because the driver must continuously concentrate to count backwards while trying to recall where to stop. Avoid starting and stopping numbers that end in 0 or 5 because these numbers are too easy to recall. For example, do not request the driver to count backwards from 65 to 50. Instead, ask the driver to count backwards from 64 to 49.

Finger Count

To conduct this test, ask the subject to touch the tip of his or her thumb in turn to the tip of each finger on the same hand while simultaneously counting up one, two, three, four; then reverse direction on the fingers while simultaneously counting down four, three, two, one. Note whether or not the subject is able to perform the divided attention task.

The Exit Sequence

You may have already developed reasonable suspicion that the driver is impaired before instructing the driver to step from the vehicle. Even though that suspicion may be very strong, probable cause is required to make a DUI arrest. Note: You should keep driver and officer safety in mind at all times. Safety considerations take precedence over all other considerations.

In addition to the driver’s behavior during the Pre-exit Interview, assessment of the manner in which the driver steps and walks from the vehicle, and actions or behavior during the exit sequence, may provide important evidence of impairment. Be alert to the driver who:

- shows angry or unusual reactions
- cannot follow instructions
- cannot open the door

- leaves the vehicle in gear
- climbs out of the vehicle
- leans against the vehicle
- places hands on the vehicle for balance

If a subject exhibits observable signs of alcohol or drug impairment, the officer should proceed to Phase Three and conduct the Standardized Field Sobriety Tests.

Phase Two: Personal contact

Question: Should I have the driver exit the vehicle?

Yes: Do It Now: There is enough reason to suspect impairment to justify getting the driver out of the vehicle for further investigation.

Wait: Look for Additional Evidence: Don't get the driver out of the car yet; keep talking to and observing the driver a bit longer. (This option may be limited if the officer's personal safety is at risk.)

No: Don't Do It: There isn't enough evidence of DUI to justify administering field sobriety tests.

Phase Three: Pre-Arrest Screening

The major decision in Phase Three is whether to arrest the driver for DUI. The task in Phase Three is to administer the standardized and validated psychophysical tests—a term used to describe standardized field sobriety tests (SFSTs) that measure a person's ability to perform both mental and physical tasks simultaneously. Based on these tests, you must decide whether there is probable cause to arrest the driver for DUI. At this point you again have three choices: arrest the driver for DUI, administer additional field sobriety tests, or release the driver, as no impairment is observed. Ask yourself:

- Should I administer the standardized field sobriety tests to the driver?
- How does the driver perform those tests?
- What exactly did the driver do wrong when performing the tests?
- Do I have probable cause to arrest for DUI?

Selecting a Safe Location

When practical, the officer should select a safe area, with a reasonably level surface that is well-lit and away from traffic, to administer the tests. After exiting the vehicle, the officer should assist the driver in moving to a safe area away from traffic. At night, the officer should use lights to illuminate the location, and if possible, minimize distracting lights.

The three scientifically standardized and validated psychophysical (field) sobriety tests are the Horizontal Gaze Nystagmus, the Walk-and-Turn, and the One-Leg Stand.

Overview of Nystagmus

Nystagmus is defined as an involuntary jerking of the eyes, which can be caused by the use of alcohol and certain other drugs.

In addition to being involuntary, the person experiencing nystagmus is usually unaware that the jerking is happening. Involuntary jerking of the eyes becomes readily noticeable when a person is impaired by alcohol and certain drugs. As a person's alcohol concentration increases, the eyes will begin to jerk sooner as they move to the side.

There are three general categories of nystagmus:

A. **Vestibular nystagmus** is an involuntary jerking of the eyes caused by movement or action to the vestibular (inner ear) system. Types of vestibular nystagmus include the following:

- Rotational nystagmus occurs when the person is spun around or rotated rapidly, causing the fluid in the inner ear to be disturbed. If it were possible to observe the eyes of a rotating person, you would be able to see them jerk.
- Post-rotational nystagmus is closely related to rotational nystagmus. When a person stops spinning, the fluid in the inner ear remains disturbed for a short period of time and the eyes continue to jerk.
- Caloric nystagmus occurs when the fluid motion in the canals of the vestibular system is stimulated by temperature, as by putting warm water in one ear and cold in the other.
- Positional alcohol nystagmus (PAN) occurs when a foreign fluid, such as alcohol, that alters the specific gravity of the blood is in unequal concentrations in the blood and the vestibular system.

B. **Neurological nystagmus** is an involuntary jerking of the eyes caused by a disruption of the central nervous system. Some common examples include the following:

- Optokinetic nystagmus occurs when the eyes fixate on an object that suddenly moves out of sight, or when the eyes watch sharply contrasting moving images. Examples of optokinetic nystagmus include watching rotating lights or rapidly moving traffic in close proximity. The horizontal gaze nystagmus test will not be influenced by optokinetic nystagmus when administered properly.
- Physiological nystagmus is a natural nystagmus that keeps the sensory cells of the eye from tiring. It is the most common type of nystagmus. It happens to all of us, all the time. This type of nystagmus produces extremely minor tremors or jerks of the eyes. These tremors are generally too small to be seen with the naked eye. Physiological nystagmus will have no impact on the HGN test because its tremors are generally invisible.
- Gaze nystagmus occurs as the eyes are focused on a stimulus and move from the center position. Gaze nystagmus is separated into three types:
 1. **Horizontal gaze nystagmus (HGN)** refers to an involuntary jerking occurring as the eyes move toward the side.

It is the observation of the eyes for horizontal gaze nystagmus that provides the first and most accurate test in the Standardized Field Sobriety Test battery. Although this type of nystagmus is most accurate for determining alcohol impairment, its presence may also indicate use of certain other drugs.

2. **Vertical gaze nystagmus (VGN)** is an involuntary jerking of the eyes (up and down) which occurs when the eyes gaze upward at maximum elevation.

The presence of this type of nystagmus is associated with high doses of alcohol for that individual and certain other drugs. The drugs that cause vertical gaze nystagmus are the same ones that cause horizontal gaze nystagmus.

There is no drug that will cause vertical gaze nystagmus that does not also cause horizontal gaze nystagmus. If vertical gaze nystagmus is present and horizontal gaze Nystagmus is not, it could be the result of a medical condition. Vertical gaze nystagmus, when accompanied with HGN, is a reliable indicator of the use of high doses of alcohol or certain other drugs.

3. **Resting nystagmus** is an involuntary jerking of the eyes as they look straight ahead. Its presence usually indicates a pathological condition or high doses of a dissociative anesthetic drug, such as PCP. If detected, take precautions.

C. **Pathological nystagmus** is an involuntary jerking of the eyes which can occur as a result of brain tumors, other brain damage, or some diseases of the inner ear. These pathological disorders occur in very few people and even in fewer drivers.

Overview of Psychophysical Tests

Psychophysical tests are methods of assessing a subject's mental and physical impairment by asking him or her to perform divided attention tasks. These tests focus on the abilities needed for safe driving; balance, coordination, information processing, and so on. The most significant psychophysical tests are the two scientifically-validated divided attention tests that you administer roadside: Walk-and-Turn and One-Leg Stand.

Driving is a complex divided attention task. In order to operate a vehicle safely, drivers must simultaneously control steering, acceleration, and braking; react appropriately to a constantly changing environment; and perform many other tasks. Alcohol and other drugs reduce a person's ability to divide attention. Impaired drivers often ignore the less critical tasks of driving in order to focus their impaired attention on the more critical tasks. For example, a driver may ignore a traffic signal and focus instead on controlling the speed of the car.

Even when impaired, many people can handle a single, focused attention task fairly well. Field sobriety tests that simulate the divided attention characteristics exercise the same mental and physical capabilities that a person needs to drive safely:

- information processing
- short-term memory
- judgment and decision making
- balance
- steady, sure reactions
- clear vision
- small muscle control
- coordination of limbs

Any divided attention test that requires a person to demonstrate two or more of these capabilities simultaneously must be reasonably simple for the average person to perform when sober. Tests that are difficult for a sober subject to perform have little or no evidentiary value. Two validated divided attention field sobriety tests, the Walk-and-Turn and the One-Leg Stand, have proven accurate and effective in DUI detection because they require the subject to concentrate and perform mental and physical tasks at the same time.

Walk-and-Turn

The Walk-and-Turn is a test that has been validated through extensive research by NHTSA. This divided attention test consists of two stages: Instructions Stage and Walking Stage.

In the Instructions Stage, the subject must stand with feet in heel-to-toe position—with the heel of one foot touching the toes of another—keeping arms at sides and listening to the officer's instructions. The Instructions Stage divides the subject's attention between a balancing task (standing with toes facing forward while maintaining the heel-to-toe position) and an information processing task (listening to and remembering instructions).

In the Walking Stage, the subject takes nine heel-to-toe steps, turns in a prescribed manner, and takes nine heel-to-toe steps back, while counting the steps out loud and watching his or her feet. During the turn, the subject keeps the front foot on the officer-designated line, turns in a prescribed manner, and uses the other foot to take several small steps to complete the turn. The Walking Stage divides the subject's attention among a balancing task (walking heel-to-toe and turning), a small muscle control task (counting out loud), and a short-term memory task (recalling the number of steps and the turning instructions).

The Walk-and-Turn test is administered and interpreted in a standardized manner (the same way every time). Officers administering the Walk-and-Turn test observe the subject's performance for eight clues:

- cannot keep balance while listening to instructions
- starts too soon
- stops while walking
- does not touch heel-to-toe
- steps off the line
- uses arms to balance
- improper turn
- incorrect number of steps

The officer should terminate the Walk-and-Turn test if the subject is in danger of falling or otherwise cannot complete the test.

Research shows that if a subject exhibits two or more of the clues or cannot complete the test, the subject's alcohol concentration is likely to be above 0.08. This research has been shown to be accurate 79 percent of the time.

One-Leg Stand

The One-Leg Stand test also has been validated through NHTSA research. This divided attention test consists of two stages: Instructions Stage and Balance and Counting Stage.

In the Instructions Stage, the subject must stand with feet together, keeping arms at sides and listening to instructions. This divides the subject's attention between a balancing task (maintaining a stance) and an information processing task (listening to and remembering instructions). In the Balance and Counting Stage, the subject must raise either leg with the foot approximately six inches off the ground, keeping the raised foot parallel to the ground. While looking at the elevated foot, the subject counts out loud in the following manner: "one thousand and one," "one thousand and two," "one thousand and three" until told to stop. This divides the subject's attention between balancing (standing on one foot) and small muscle control (counting out loud).

The One-Leg Stand will be timed for 30 seconds. Research has shown that many impaired subjects are able to stand on one leg for up to 25 seconds, but few can do so for 30 seconds.

The One-Leg Stand is also administered and interpreted in a standardized manner. Officers carefully observe the subject's performance and look for four specific clues:

- sways while balancing
- uses arms to balance
- hopping
- puts foot down

The officer should terminate the One-Leg Stand test if the subject is in danger of falling or otherwise cannot complete the test.

Research shows that when the subject displays two or more clues or is unable to complete the test, the alcohol concentration is probably above 0.08. This criterion has been shown to be accurate 83 percent of the time.

Phase Three: Pre-arrest screening

Question: Should I arrest the driver?

Yes: Do It Now: There is probable cause to arrest the driver for DUI right now.

Wait: Look for Additional Evidence: Don't arrest the driver yet; administer another field sobriety test before deciding.

No: Don't Do It: No, there is not probable cause to believe the driver has committed DUI.

In each phase of detection, you must determine whether there is sufficient evidence to establish the reasonable suspicion necessary to proceed to the next step in the detection process.

Your duty is to carry out whatever tasks are appropriate and to make sure that all evidence of DUI is brought to light.

The Arrest Decision

After an officer finishes administering the SFSTs, he or she makes the decision whether to arrest the subject, for probable cause that a DUI has been committed, based on the results of the SFSTs.

The decision to then charge and arrest the subject for a DUI is the culmination of all the evidence accumulated during the DUI detection process:

PHASE ONE: Vehicle in Motion

- initial observation of vehicle in motion
- observation of the stop

PHASE TWO: Personal Contact

- face-to-face observation and interview
- observation of the exit

PHASE THREE: Pre-Arrest Screening

- SFSTs

If probable cause does not warrant an arrest, release the driver as according to agency policy and procedure.

Processing Stage

After an arrest decision has been made, the processing stage begins with the arrest of the offender and ends when the offender is incarcerated or released to a responsible third party (depending on jurisdiction). You may also take statements from any witnesses. If required, chemical tests, transport of the subject, remaining passengers, and appropriate disposition of the subject's vehicle and property should also be conducted as according to agency policy. In addition, advanced breath test operator (BTO) training is available through your local agency.

Even if advanced training on breath testing has not been taken, the officer should follow agency policy during a post-arrest observation period that is twenty (20) minutes long. During the observation a BTO or a designee assigned by the BTO monitors the subject and allows the alcohol in the subject's mouth to evaporate before the breath test is administered. Twenty minutes reasonably makes sure that any breath sample provided by the subject does not contain residual mouth alcohol. The observation must be for a continuous twenty minutes. An officer will:

- document the start time of the observation period in field notes
- ensure the subject is not eating or drinking anything (alcohol, mouthwash, gum, candy, breath mints, etc.)
- ensure the subject's mouth does not contain foreign objects (tobacco, fingers, hair, rubber bands, razor blades, paper clips, etc.) that are not a fixed part of the mouth (such as braces, dentures, crowns, fillings, or tongue piercings)
- ensure that the subject does not vomit

If the subject vomits or comes in with a foreign object in his or her mouth, have the subject rinse his or her mouth with water or remove the object and begin another twenty-minute observation period while documenting all occurrences and times. Per agency policy multiple officers can document the finish time.

Furthermore, all evidence gathered during the detection phases is organized to ensure that it will be available and admissible in court. Additional evidence may also be obtained during the processing stage subsequent to arrest. It is important that you follow proper agency procedures during this stage; otherwise, important evidence might be ruled inadmissible. Consideration of any reduction of DUI to a lesser charge is the responsibility of the prosecuting attorney.

During an investigation after a traffic crash, the subject may be arrested and booked on a DUI charge if there is substantial physical evidence that the person was impaired at the time of the crash—based on observations and the results of the SFST and pending the result of blood tests. An officer must be familiar with the local state attorney's office guidelines and agency policy before making an arrest decision in this situation. Many DUI offenses are misdemeanor crimes but officers should be aware that there are circumstances where the offense is a felony. Examples include serious bodily injury, death or multiple convictions.

SECTION VOCABULARY

clue

cue

divided attention

horizontal gaze nystagmus (HGN)

nystagmus

neurological nystagmus

pathological nystagmus

resting nystagmus

vertical gaze nystagmus (VGN)

vestibular nystagmus

LESSON 6 | Administering the Standardized Field Sobriety Tests

OBJECTIVES

- LE800.19.** Explain the note-taking procedures necessary when correctly administering the Standardized Field Sobriety Tests.
- LE010.11.** Explain the three clues that point to impairment through the horizontal gaze nystagmus test.
- LE010.12.** Identify that HGN is a reliable clue of impairment according to NHTSA.
- LE010.13.** Explain the procedures for horizontal gaze nystagmus testing during a DUI investigation.
- LE010.14.** Identify what the presence of vertical gaze nystagmus may indicate about impairment.
- LE010.15.** Explain the procedures for the vertical gaze nystagmus test during a DUI investigation.
- LE010.16.** Explain how to interpret the horizontal gaze nystagmus test during a DUI investigation.
- LE010.17.** Document nystagmus results accurately in field notes during a DUI investigation.
- LE010.18.** Explain the procedures for the Walk-and-Turn test during a DUI investigation.
- LE010.19.** Explain how to interpret the Walk-and-Turn test during a DUI investigation.
- LE010.20.** Document the Walk-and-Turn test results accurately in field notes during a DUI investigation.

LESSON GOAL: At the end of this lesson, you should be able to correctly administer the NHTSA Standardized Field Sobriety Tests and prepare required documentation.

The administration of the SFSTs involves specific procedures as to how the standardized and validated psychophysical tests can be used to detect whether or not a driver is impaired. The three tests are horizontal gaze nystagmus, Walk-and-Turn, and One-Leg Stand.

Taking Field Notes on the Subject's Performance of SFSTs

To eventually be able to document a legal arrest report and be able to present effective courtroom testimony, it is not enough to just record the total number of clues determined on the three tests.

The number of clues observed is important to the officer in the field because it helps determine whether there is probable cause to arrest. To convict the subject, more descriptive evidence is needed.

The officer must be able to describe how the subject performed on the tests, and exactly what the subject did. The DUI Field Notes sample form provided by the class instructor is designed to help you develop a clear description of the subject's performance on the tests.

Detection of Nystagmus

Recall that horizontal gaze nystagmus is an involuntary jerking of the eyes occurring as the eyes gaze toward the side. Some jerking may be seen if the eyes move far enough to the side. The roadside test to detect HGN includes three clues:

- Lack of smooth pursuit: The officer can observe the eyes of an impaired person jerk or bounce as the eyes follow a smoothly moving stimulus, such as a pencil or penlight. In contrast, the eyes of an unimpaired person will follow smoothly like a marble rolling across a smooth pane of glass.
- Distinct and sustained nystagmus at maximum deviation: This will be evident of an impaired person when the eye is held at maximum deviation for a minimum of four seconds. Some people exhibit slight jerking of the eye at maximum deviation even when unimpaired, but this will not be evident or sustained for more than a few seconds. When impaired by alcohol, the jerking will be more pronounced, sustained for more than four seconds, and easily observable.

- Onset of nystagmus prior to 45-degrees: If the point at which the eye is first seen jerking (in an impaired person) begins prior to 45 degrees, it is likely that the person has a BAC above 0.08.

The higher the degree of impairment, the sooner the nystagmus will be observable.

Procedures of Horizontal Gaze Nystagmus Testing

Horizontal gaze nystagmus is the most reliable field sobriety test, particularly when used in combination with the divided attention tests.

While administering the HGN test, the officer has the subject follow the motion of a small stimulus with the eyes only. The stimulus may be the tip of a pen or penlight, an eraser on a pencil, or a fingertip, whichever contrasts with the background.

Beginning with the subject's left eye, each eye is examined twice for three specific clues.

- As the eye moves from side to side, does it move smoothly or does it jerk noticeably? As people become impaired by alcohol, their eyes exhibit a **lack of smooth pursuit** as they move from side to side.
- When the eye moves as far to the side as possible and is kept at that position for several seconds, does it jerk distinctly? **Distinct and sustained nystagmus at maximum deviation** is another clue of impairment.

Maximum deviation occurs when the gaze of the eye has moved as far as it can go toward the shoulder, and no white is visible at the outside of the eye.

- As the eye moves toward the side, does it start to jerk prior to a 45-degree angle? **Onset of nystagmus prior to 45 degrees** is another clue of impairment.

As a person's alcohol concentration increases, it is more likely that these clues will appear. The maximum number of clues that may appear in one eye is three. The maximum total number for any subject is six. The research shows that if four or more clues are evident, it is likely that the subject's alcohol concentration is above 0.08 or the legal limit in the state of Florida. This research has been shown to be accurate 88 percent of the time.

During the administration of HGN testing, keep your weapon away from the subject for officer safety. First, if the subject is wearing eyeglasses, the officer should request that the subject remove them. The subject should then be given the following verbal instructions from a safe position:

"I am going to check your eyes."

"Keep your head still, and follow this stimulus with your eyes only."

"Keep following the stimulus with your eyes until I tell you to stop."

LE010.21. Explain the procedures for the One-Leg Stand test during a DUI investigation.

LE010.22. Explain how to interpret the One-Leg Stand test during a DUI investigation.

LE010.23. Document One-Leg Stand test results accurately in field notes during a DUI investigation.

Position the stimulus approximately 12–15 inches from the subject’s nose and slightly above eye level. Check to see that both pupils are equal in size (unequal size may indicate a head injury). Resting nystagmus may be observed at this time. Resting nystagmus is the jerking of the eyes as the eyes look straight ahead. This condition, though not frequently seen, usually indicates a pathological disorder or high doses of a drug such as PCP. An officer should check that the eyes can track together by moving the stimulus smoothly across the subject’s entire field of vision two times. If the eyes don’t track together, it could indicate a possible medical disorder, injury, or blindness.

The officer should check the subject’s left eye by moving the stimulus to the right. Move the stimulus smoothly at a speed that requires approximately two seconds to bring the subject’s eye as far to the side as it can go. While moving the stimulus, look at the subject’s eye and determine whether it is able to pursue smoothly. Next, move the stimulus all the way to the left, back across the subject’s face, checking if the right eye pursues smoothly. Movement of the stimulus should take approximately two seconds out and two seconds back for each eye. The procedure is then repeated.

After checking both eyes for lack of smooth pursuit, check the eyes for distinct and sustained nystagmus at maximum deviation, beginning with the subject’s left eye. To do this, simply move the stimulus to the subject’s left side until the gaze of the eye has gone as far to the side as possible. Usually, no white will be showing in the corner of the eye at maximum deviation. The eye should be held at that position for a minimum of four seconds, with the officer observing the eye for distinct and sustained nystagmus. The stimulus should be moved all the way across the subject’s face to check the right eye, holding that position for a minimum of four seconds. The procedure is then repeated. Note: Fatigue nystagmus is a type of nystagmus that may begin if a subject’s eyes are held at maximum deviation for more than 30 seconds.

It is important to know how to estimate a 45-degree angle. See Figure 11-3. This is a critical factor in checking for this clue.

For practice: a 45-degree template can be prepared by cutting out a 15" square of cardboard and connecting its opposite corners with a diagonal line.

To use this device, the officer holds it up so that the person’s nose is above the diagonal line. Make certain that one edge of the template is centered on the nose and perpendicular to (at right angles to) the face. The person should then be required to follow a penlight or some other stimulus until the subject is looking down the 45-degree diagonal. Note the position of the eye. With practice, you should be able to recognize this angle without using the template.

Next, the officer checks for onset of nystagmus prior to 45 degrees. This is done by moving the stimulus towards the right (subject’s left eye) at a speed that would take approximately four seconds for the stimulus to reach 45 degrees (in some cases this may be the edge of the subject’s shoulder). The eye should be carefully observed for any sign of jerking. When jerking is seen, stop and verify that it continues. Now, the stimulus is moved to the left (the subject’s right eye) at a speed that would take approximately four seconds for the stimulus to reach 45 degrees. Again, carefully observe the eye for any sign of jerking. When jerking is seen, the officer should stop and verify that it continues. The procedure is then repeated. It is important to use the full four seconds when checking for onset of nystagmus. If moving the stimulus too fast, the officer may go past the point of onset or miss it altogether.

If the subject's eyes start jerking before they reach 45 degrees, the officer should check to see that some white of the eye is still showing on the side closest to the ear. If no white of the eye is showing, either the officer has taken the eye too far to the side (more than 45 degrees) or the person has unusual eyes that will not deviate very far to the side.

Nystagmus may be due to causes other than alcohol. These other causes include seizure medications and some other drugs. A large disparity between the performance of the right and left eye may indicate a medical condition.

Procedures of Vertical Gaze Nystagmus Testing

During the Vertical Gaze Nystagmus test, an officer should look for jerking as the eyes move up and are held for approximately four seconds at maximum elevation as a clue to impairment. As with HGN, Vertical Gaze Nystagmus can also be observed directly and does not require special equipment. The officer will need a contrasting stimulus for the subject to follow with his or her eyes. This can be the tip of an index finger, penlight, or pen. The stimulus used should be held slightly above eye level, so that the eyes are wide open when the subject looks directly at it. It should be held approximately 12–15 inches in front of the nose. An officer needs to remain aware of his or her position in relation to the subject at all times. The presence of VGN is associated with high doses of alcohol for that individual and certain other drugs.

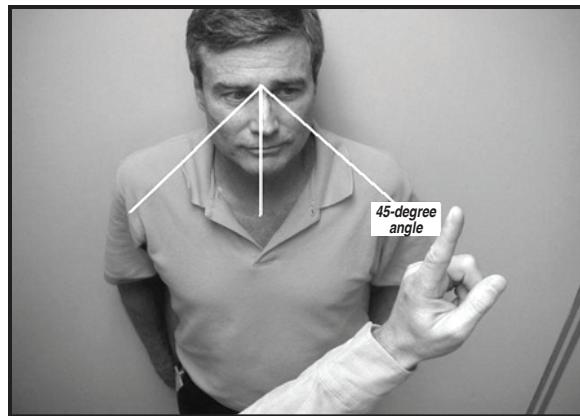
1. Position a stimulus (pen, penlight, index finger, etc.) horizontally about 12–15 inches in front of the subject's nose.
2. Instruct the subject to hold his or her head still and follow the stimulus with the eyes only.
3. Raise the stimulus until the subject's eyes are elevated as far as possible.
4. Hold for approximately four seconds.
5. Watch closely for evidence of the eyes jerking up and down.

HGN Test Interpretation

There are three possible clues that may appear in each eye for a total of six indicators:

- Lack of smooth pursuit: The eye cannot follow a moving stimulus smoothly.
- Distinct and sustained nystagmus at maximum deviation: Nystagmus is continuous and clearly visible for a minimum of four seconds.
- The angle of onset of nystagmus is prior to 45 degrees.

Based on the research, if an officer observes four or more clues it is likely that the subject's alcohol concentration is above 0.08. Using this criterion, officers will be able to classify about 88% of subjects accurately. This was determined during laboratory and field testing and helps an officer weigh the various field sobriety tests in this battery as he or she makes an arrest decision.



45-degree angle

Figure 11-3

Taking Field Notes on the Eye Procedures

First, have the subject remove glasses. In the Medical Assessment section:

- Check “Yes” or “No” box for equal pupil size.
- Check “Yes” or “No” box for equal tracking.

In the Other section, record any facts, circumstances, conditions, or observations that may be relevant to this procedure (e.g., resting nystagmus).

Complete the entire test for both eyes, writing “yes” or “no” for each nystagmus clue.

- Write “yes” if the clue is present.
- Write “no” if the clue is not present.

In the Other section, record any facts, circumstances, conditions, or observations that may be relevant to this test.

Examples of additional evidence of impairment emerging during the nystagmus test include the following:

- subject unable to keep head still
- subject swaying noticeably
- subject utters incriminating statements

Examples of conditions that may interfere with subject’s performance of the horizontal gaze nystagmus test include the following:

- wind, dust, etc. irritating subject’s eyes
- visual or other distractions impeding the test

Procedures for Walk-and-Turn Testing

Walk and Turn Test Conditions

The Walk-and-Turn test should be conducted on a reasonably dry, hard, level, non-slippery surface. There should be sufficient room for a subject to complete nine heel-to-toe steps. Note: Field validation studies have indicated that varying environmental conditions have not affected a subject’s ability to perform this test.

Individuals over 65 years of age or those with back, leg, or inner ear problems may have difficulty performing this test. Individuals wearing heels more than two inches high should be given the opportunity to remove their shoes.

Instructions Stage: Initial Positioning and Verbal Instructions

Give instructions from a safe position. For standardization in the performance of this test, have the subject assume the heel-to-toe stance by giving the following verbal instructions accompanied by demonstrations:

- “Place your left foot on the line” (real or imaginary). Demonstrate.
- “Place your right foot on the line ahead of your left foot with the heel of your right foot against the toe of your left foot.” Demonstrate.

- “Place your arms down at your sides.” Demonstrate.
- “Maintain this position until I have completed the instructions. Do not start to walk until told to do so.”
- “Do you understand the instructions so far?” Make sure the subject indicates understanding.

Walking Stage: Demonstrations and Instructions

Explain the test requirements using the following verbal instructions accompanied by demonstrations:

- “When I tell you to start, take nine heel-to-toe steps on the line, turn, and take nine heel-to-toe steps back.” Demonstrate a minimum of three heel-to-toe steps.
- “When you turn, keep your front foot on the line, and turn by taking a series of small steps with the other foot, like this.” Demonstrate.
- “While you are walking, keep your arms at your sides, watch your feet at all times, and count your steps out loud.”
- “Once you start walking, don’t stop until you have completed the test.”
- “Do you understand the instructions?” Make sure the subject understands.
- “Begin and count your first step from the heel-to-toe position as ‘One.’”

Walk and Turn Test Interpretation

An officer may observe a number of different behaviors when a subject performs this test. Research demonstrates that the behaviors listed below are likely to be observed in someone with a BAC above 0.08. Officers will look for the following clues each time this test is given:

- **Cannot keep balance while listening to the instructions:** Two tasks are required at the beginning of this test. The subject must balance heel-to-toe on the line, and at the same time, listen carefully to the instructions. Typically, the person who is impaired can do only one of these things. The subject may listen to the instructions but not keep balance. Record this clue if the subject does not maintain the heel-to-toe position throughout the instructions. The feet must actually break apart. Do not record this clue if the subject sways or uses the arms to balance but maintains the heel-to-toe position.
- **Starts too soon:** The impaired person may also keep balance but not listen to the instructions. Since you specifically instructed the subject not to start walking “until I tell you to begin,” record this clue if the subject does not wait.
- **Stops while walking:** The subject stops while walking. Do not record this clue if the subject is merely walking slowly.
- **Does not touch heel-to-toe:** The subject leaves a space of more than one-half inch between the heel and toe on any step.
- **Steps off the line:** The subject steps so that one foot is entirely off the line.
- **Uses arms to balance:** The subject raises one or both arms more than six inches from the sides in order to maintain balance during the walking stage.

- **Improper turn:** The subject removes the front foot from the line while turning. Also record this clue if the subject has not followed directions as demonstrated, e.g., spins or pivots around or loses balance while turning.
- **Incorrect number of steps:** Record this clue if the subject takes more or fewer than nine steps in either direction.

Note: If the subject can't complete the test, record observed clues, and document the reason for not completing the test, such as the subject's safety.

If the subject has difficulty with the test (for example, steps off the line), continue from that point, not from the beginning. This test may lose its sensitivity if it is repeated several times.

Observe the subject from a safe distance and limit movement which may distract the subject during the test. Always consider officer safety.

Based on research, if the subject exhibits two or more clues on this test or fails to complete it, classify the subject's alcohol concentration as above 0.08. Using this criterion, officers will be able to accurately classify 79 percent of subjects.

Taking Field Notes on Walk-and-Turn Testing

The first two clues—**cannot keep balance while listening to the instructions and starts too soon**—apply only during the instructions stage of the test. Record the number of times each of those clues appear. For example, if the subject's feet break apart from the heel-to-toe stance twice during the instructions stage, write “2” in the box alongside the **cannot keep balance** clue. Similarly, if the subject **starts too soon**, write “1” in that box. Note: Recording the actual steps taken is for scoring purposes only. **Incorrect number of steps** is the validated clue.

Don't leave boxes blank. If a particular clue never shows up, write “0” in the corresponding box.

Record the next five clues separately for the walk down the line, and then up the line.

- If a subject **stops while walking**, record this by drawing a vertical line across the toe of the step at which the stop occurred. Do this for the first and the second nine steps. Place the letter “S” at bottom of the vertical line to indicate where the subject stops walking.
- If a subject **does not touch heel-to-toe**, record how many times this happens. Draw a vertical line across the toe of the step where the miss occurred. Place the letter “M” at the top of the vertical line to indicate missed heel-to-toe.
- If a subject **steps off the line** while walking, record this by drawing a line from the appropriate foot print at an angle in the direction where the foot stepped. Do it for each of the nine steps.
- If a subject **uses arms to balance**, give some indication of how often or how long this happens.

Example: subject raised arms from sides three times. Place a check for each occurrence in appropriate box.

Example: subject held arms away from sides during steps 3 through 7. Place a check for each occurrence in appropriate box.

Example: subject flapped arms continuously. Make a note.

- If a subject removes the front foot from the line while turning, loses balance while turning, or otherwise turns other than directed, record as an **improper turn**.
- Record the actual number of steps taken by the subject in each direction.

If you note that the subject cannot complete the test, note the reason for stopping the test.

Example: stepped off line three times on steps 2, 4, and 6

Example: staggered six steps to the right, nearly fell

Example: fear of injury

At the end of the test, examine each factor and determine how many clues have been recorded. Remember, each clue may appear several times, but still only constitutes one clue.

In the Other section, record any facts, circumstances, conditions, or observations that may be relevant to this test.

Examples of additional evidence of impairment during Walk-and-Turn test:

- subject verbally miscounts steps
- subject utters incriminating statements

Examples of conditions that may interfere with subject's performance of the Walk-and-Turn test:

- wind/weather conditions
- subject's age, weight
- subject's footwear

Procedures for One-Leg Stand Testing

One-Leg Stand Test Conditions

One-Leg Stand requires a reasonably dry, hard, level, and non-slippery surface. Consider the subject's safety at all times.

Individuals over 65 years of age; those with back, leg, or inner ear problems; or those who are overweight by 50 or more pounds may have difficulty performing this test. Individuals wearing heels more than two inches high should be given the opportunity to remove their shoes.

Instructions Stage: Initial Positioning and Verbal Instructions

Initiate the test by giving the following verbal instructions, accompanied by demonstrations.

- "Please stand with your feet together and your arms down at the sides, like this." Demonstrate.
- "Do not start to perform the test until I tell you to do so."
- "Do you understand the instructions so far?" Make sure the subject indicates understanding.

Balance and Counting Stage: Demonstrations and Instructions

Explain the test requirements using the following verbal instructions accompanied by demonstrations:

- “When I tell you to start, raise either leg with the foot approximately six inches off the ground, keeping your raised foot parallel to the ground.” Demonstrate the one-leg stance.
- “You must keep both legs straight with arms at your side.”
- “While holding that position, count out loud in the following manner: ‘one thousand one, one thousand two, one thousand three,’ and so on until told to stop.” Demonstrate a count.

Note: Officer should not look at foot when conducting the demonstration. Be aware of officer safety.

- “Keep your arms at your sides at all times and keep watching the raised foot.”
- “Do you understand?” Make sure the subject indicates understanding.
- “Go ahead and perform the test.” The test should be timed for 30 seconds.

Observe the subject from a safe distance. If the subject puts the foot down, give instructions to pick the foot up again and continue counting from that point. Terminate the test after 30 seconds.

One-Leg Stand Test Interpretation

Research found the following behaviors are the most likely to be observed in someone with an alcohol concentration above 0.08. Officers will look for the following clues each time the One-Leg Stand test is administered.

- The subject sways while balancing: The subject sways side-to-side or back-and-forth while balancing.
- Uses arms to balance: The subject uses his or her arms six or more inches from the side of the body in order to maintain balance.
- Hopping: The subject is able to keep one foot off the ground but hops to maintain balance.
- Puts foot down: The subject puts the raised foot down one or more times during the 30-second count.

Note: If the subject can't complete the test, record clues that you observe and document the reason for not completing the test.

Time is critical in this test. Research has shown a person with an alcohol concentration above 0.08 can maintain balance for up to 25 seconds but seldom as long as 30. Research indicates that if an individual shows two or more clues or fails to complete the One-Leg Stand, there is a good chance the alcohol concentration is above 0.08. Using that criterion, officers have accurately classified whether the alcohol concentration of 83 percent of people they tested is above 0.08.

Observe the subject from a safe distance and limit movement which may distract the subject during the test. Always consider your safety as an officer.

Combined Interpretation of Nystagmus with Walk-and-Turn or One-Leg Stand Testing

By combining four or more clues of HGN with two or more clues of the Walk-and-Turn or One-Leg Stand test, subjects can be correctly classified as above 0.10 alcohol concentration 80 percent of the time.

SECTION VOCABULARY

maximum deviation

Taking Field Notes on One-Leg Stand Testing

By recording when things happen, as well as what happens, an officer will be able to prepare a more descriptive arrest report.

Place check marks in or near the small boxes to indicate how many times you observed each of the clues. Do this separately for the test on the left leg (L) or on the right leg (R).

Record the four clues separately.

- If a subject **sways while balancing**, approximate the amount of sway in either direction, for example, one inch side to side.
- If a subject raises their arms 6 or more inches to balance, mark the **uses arms to balance** clue.
- If a subject is **hopping**, mark how many times the subject hops.
- If the subject **puts the foot down** during the test, record when it happened. Write the count on the form. For example, when standing on the left leg, write, "The subject lowered the right foot at a count of 'one thousand thirteen' and again at 'one thousand twenty.'" Also pay attention to the subject's general appearance and behavior while the test is being performed.

At the end of the test, examine each factor and determine how many distinct clues have appeared. Remember, each clue may appear several times, but still only constitutes one clue.

It is necessary to emphasize that this validation applies only when:

- The tests are administered in the prescribed, standardized manner.
- The standardized clues are used to assess the subject's performance.
- The standardized criteria are employed to interpret that performance.

If any one of the standardized field sobriety test elements is changed, the validity may be compromised.

LESSON 7 | Documenting DUI Reports

OBJECTIVES

- LE800.20.** Describe the responsibility of officers in preparing complete written reports for DUI violations.
- LE800.21.** List types of information that should be included in thorough DUI field notes.
- LE800.22.** List the basic features of a DUI investigation to include in a DUI Arrest Report.
- LE800.23.** List the components to include in a comprehensive narrative in a DUI Arrest Report.
- LE800.24.** List common report forms used to document a DUI investigation.
- LE800.25.** Explain the need to organize all pertinent DUI paperwork to assist in a successful prosecution of a DUI offense.
- LE722.17.** Generate a comprehensive and accurate DUI report incorporating the observations, the elements of the crime, and the chemical test results.

LESSON GOAL: At the end of this lesson, you should be able to write a comprehensive and accurate report documenting a DUI arrest.

The successful prosecution of a DUI case is dependent on the officer's ability to organize and present all relevant evidence of each element of the DUI offense. Keep in mind that virtually all of this evidence must be compiled during the three phases of detection—vehicle in motion, personal contact, and pre-arrest screening. The officer must be able to establish the level of impairment at the time that the offense occurred; therefore, observations are of critical importance. Subsequent evidence of impairment, such as the chemical test result(s) and the evidence gathered during a drug evaluation, will be admissible only when a proper arrest has been made. The efforts expended in detecting, apprehending, investigating, and testing/evaluating the DUI offender will be of little value if there is not sufficient evidence to prove every element of the violation.

Accordingly, if the evidence is not presented clearly and convincingly in court, the case may be lost, no matter how good that evidence may be. Therefore, it is essential that officers develop the ability to write a clear and comprehensive report describing their observations and results of their investigation for presentation to the prosecutor.

Note-Taking Guidelines

One of the most critical tasks in the DUI enforcement process is the recognition, gathering, and documentation of facts and clues that establish reasonable suspicion to stop, investigate, and subsequently arrest people suspected of driving or operating a vehicle while impaired. An officer's field notes are most often handwritten, and provide the information necessary to establish the evidence and elements of the offense. The field notes also help you complete required DUI report forms and supporting successful prosecution of the violator. This evidence observed and documented is largely sensory (sight, smell, hearing) in nature, and therefore is extremely short-lived.

Field notes are only as good as the information they contain. Reports must be clearly written and events accurately described for the reports to serve as evidence. One persistent problem with DUI reports is the use of vague language to describe conditions, events, and statements.

When you use vague language, your reports provide a confused picture of what happened. When you use clear language, your reports provide an accurate picture of what happened. Clear and convincing field notes will assist an officer in writing a report that eventually provides strong evidence in court.

Consider the following examples.

Vague Language	Clear Language
<i>Driver appeared drunk.</i>	Driver's eyes bloodshot; gaze fixed; hands shaking. Strong odor of alcoholic beverage on driver's breath.
<i>Vehicle stopped in unusual manner or location.</i>	Vehicle struck or climbed curb; stopped on sidewalk.
<i>Vehicle crossed the center line.</i>	Vehicle completely crossed the center line into the opposing traffic lane.

Vague vs. clear language

Figure 11-4

One way to improve the effectiveness of handwritten field notes is to use a structured note taking guide in the detection process. These field notes should assist in documenting those actions which gave you reasonable suspicion to justify further investigation of a suspected DUI incident. During the DUI investigation, you should accurately note at least the following:

- basic information describing the subject, the vehicle, the location, and the date and time the incident occurred
- brief descriptions of the vehicle in motion (Detection Phase One), including initial observation of the vehicle and observation of the stopping sequence
- brief descriptions of the personal contact with the subject (Detection Phase Two), including observations of the driver such as the subject's manner of speech (including admissions), attitude, clothing, etc. Any physical evidence collected should also be noted in this section.
- the results of all field sobriety tests that were administered (Detection Phase Three)
- any other pertinent evidence specific to the incident

You will have to develop your own shorthand system. Your notes should be as descriptive as possible and should create mental pictures of the facts, circumstances, or events being described. Whenever possible, complete DUI field notes before you leave the site of the arrest. You will use these notes to refresh your memory, write the arrest report, and testify in court.

Field notes may be subpoenaed as evidence in court. It is important that any shorthand system used be describable, usable, complete, and consistent.

Preparing the DUI Arrest Report

Successful prosecution depends on the clarity and completeness with which the arresting officer's observations are presented. The arresting officer must articulate in writing each element of the DUI offense to establish probable cause that the subject was under the influence.

Chemical test evidence and additional evidence gathered subsequent to the arrest may be suppressed if the arresting officer does not adequately establish probable cause for the arrest prior to the chemical test.

Trials are often held many months after the defendant's arrest. A clear, concise report and the accompanying documentation will enable the officer to recall those details and present them through convincing direct testimony in court.

The DUI report should establish the following elements for the arrest:

- The accused was the operator or in actual physical control of the vehicle.
- There was reasonable suspicion for stopping/contacting the accused.
- There was probable cause to believe the accused was impaired.
- Proper arrest procedures were followed.
- Proper procedure was followed with regards to the rights of the accused.
- Subsequent observation and interview of the accused provided additional evidence relevant to the alleged offense.
- There was a proper request for the accused to submit to the chemical test and what the results of that test indicated.

Narrative of the DUI Arrest Report

The DUI narrative offense/arrest report should be organized around the total sequence of events, beginning at the first observation of the offender, continuing through the arrest, and ending with the incarceration or release of the subject. The following is a suggested chronological report format:

PHASE ONE: Vehicle in Motion

Initial Observations

First observations of the offender and his or her actions

- Factors that drew the officer's attention
- Time and location of first observations

Vehicle Stop

- Subject's unusual actions taken
- Offender's response to the stop command
- Method(s) the officer used to signal the stop command
- The fashion in which the offender stopped the vehicle

PHASE TWO: Personal Contact

Face-to-Face Contact

- Offender's personal appearance
- Condition of eyes, speech, etc.
- Names, contact information, seating locations of passengers
- Unusual actions taken
- Unusual statements made
- What the officer saw, heard, and smelled

Driving/Actual Physical Control

- Establish offender as the operator

Exit from Vehicle

- Unusual actions, occurrences

PHASE THREE: Pre-Arrest Screening

Standardized Field Sobriety Tests

- Physical performance
- Mental performance

The Arrest

- Probable Cause arrest affidavit

POST ARREST: Breath Testing and Processing

Disposition/Location of Vehicle and Keys

Disposition of Passengers and Property

Transport of Offender

- Departure time
- Arrival time
- Subject statements

Twenty (20) Minute Observation Period (if agency and jurisdictional policy permits)

Evidential Tests/Implied Consent

- What tests were administered?
- Who administered the tests?
- Test results

Subject Interview

- *Miranda* warning
- Post-*Miranda* questioning

Statements of Witnesses**Citations**

- Charges issued
- When issued

Incarceration or Release

- Time
- Place
- If released, to whom

Additional Chemical Tests

- Types of test
- Time taken
- Where taken
- By whom administered

DUI Report Forms

The officer must complete many forms to conclude a DUI investigation and/or arrest. The forms vary by agency and may include the following:

- DUI field notes
- implied consent warning
- *Miranda* warning with waiver
- refusal affidavit
- citations (*DUI and/or* Uniform Traffic Citation)
- breath test result affidavit
- agency offense incident report(s)
- probable cause affidavit
- alcohol influence report (agency-specific)
- certification of blood withdrawal
- evidence receipt
- Notice of Suspension (0.02 Violation)

- Notice of Commercial Driver's License Privilege Disqualification form available from DHSMV (HSMV 78005)
- vehicle inventory or storage report

Courtroom Testimony

Testimonial evidence in DUI cases establishes that the accused was in fact the driver and was impaired at the time of the offense. The arresting officer must organize all pertinent documentation and be fully prepared to testify in court on any case. Even when scientific evidence is available, supportive testimonial evidence will be required to permit introduction of that scientific evidence in court.

Refer to the section on Court Procedures in Criminal Investigations for a review of preparing for and giving testimony.

In court, your paperwork and testimony should chronologically cover each phase of the DUI incident:

- initial observation of the vehicle and driver
- reinforcing cues or actions observed while stopping the vehicle
- statements and other evidence obtained during your initial face-to-face contact with the driver
- sobriety tests administered to the driver and subsequent results
- arrest procedures and documents
- subject's actions and statements before, during, and after the arrest
- procedures used during the chemical test, including rights and legal requirements
- the administration and results of the chemical test(s), if you were also the testing officer
- interview of the subject

CHAPTER 12

Traffic Crash Investigations

UNIT 1: TRAFFIC CRASH INVESTIGATIONS—TERMS AND LEGAL CONSIDERATIONS

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Law enforcement officers conduct traffic crash investigations by following a step-by-step approach that encompasses the initial response to the scene, scene assessment and protection, the identification and analysis of information gathered from witnesses, the thorough investigation of the crash, the evaluation of physical evidence collected, returning the crash scene to normal, taking appropriate enforcement action, and documenting the crash.

UNIT 1 | TRAFFIC CRASH INVESTIGATIONS— TERMS AND LEGAL CONSIDERATIONS

LESSON 1 | Terms And Legal Considerations Associated With Crash Investigations

OBJECTIVES

- LE079.1.** Define *driver* as provided in the Florida Statutes.
- LE079.2.** Define *pedestrian* as provided in the Florida Statutes.
- LE079.3.** Define *motor vehicle* as provided in the Florida Statutes.
- LE079.4.** Describe the common types of vehicles which may be involved in crashes.
- LE079.5.** Describe the common types of roadways on which crashes can occur.
- LE079.6.** Explain the common types of crash-related injuries which may be sustained by individuals.

LESSON GOAL: At the end of this lesson, you should be able to define and explain terms and legal considerations associated with crash investigations.

A **traffic crash** is a collision, involving one or more vehicles, that causes property damage, personal injury, or death and is the result of an unintentional act. The terms “unintentional” and “causes property damage, personal injury or death” are crucial to this definition. If someone involved in a crash intended to cause damage or injury, it would not be a crash. It would be a crime, such as aggravated battery or murder. The majority of traffic crashes do not involve criminal activity; however, you should treat each traffic crash as a crime scene until it is determined that no criminal acts took place.

Florida Statutes identifies legal terms, definitions, dispositions, and other related traffic control issues, including vehicle and roadway descriptions, which officers use in managing a traffic crash. Officers will be able to successfully defend their crash investigations in court through the accurate recording of observations and the application of the corresponding statute in violation. Prominent statutes involving traffic crash investigations include:

Statutes Involving Traffic Crash Investigations

Chapter 316	State Uniform Traffic Control: Definitions and Violations
Chapter 318	Dispositions of Traffic Infractions
Chapter 320	Motor Vehicle Licenses/Registrations
Chapter 322	Drivers' Licenses

Chapters in Florida statutes related to Traffic Crash Investigations

Figure 12-1

General Terms

The terms listed below are routinely used by patrol officers in traffic crash investigations.

driver (s. 316.003(10), F.S.): any person who drives or is in actual physical control of a vehicle on a highway or who is exercising control of a vehicle or steering a vehicle being towed by a motor vehicle.

vulnerable road user (s. 316.027(b), F.S.): a pedestrian, including a person actually engaged in work upon a highway, or in work upon utility facilities along a highway, or engaged in the provision of emergency services within the right-of-way; a person operating a bicycle, motorcycle, scooter, or moped lawfully on the roadway; a person riding an animal; or a person lawfully operating on a public right-of-way, crosswalk, or shoulder of the roadway; a farm tractor or similar vehicle designed primarily for farm use; a skateboard, roller skates, or in-line skates; a horse-drawn carriage; an electric personal assistive mobility device; or a wheelchair.

pedestrian (s. 316.003(28), F.S.): any person afoot

vehicle (s. 316.003(75), F.S.): (refer to definition in Chapter 11 Lesson 2).

motor vehicle (s. 316.003(21), F.S.): a self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, motorized scooter, electric personal assistive mobility device, swamp buggy, or moped.

Section 320.01(1), F.S., also defines motor vehicle as:

- (a) An automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, special mobile equipment as defined in s. 316.003(48), F.S., vehicles that run only upon a track, bicycles, swamp buggies, or mopeds.
- (b) A recreational vehicle-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Recreational vehicle-type units, when traveling on the public roadways of this state, must comply with the length and width provisions of s. 316.515, F.S., as that section may hereafter be amended.

autonomous vehicle (s. 316.003(90) F.S.): any vehicle equipped with autonomous technology.

autonomous technology (s. 316.003(90) F.S.): technology installed on a motor vehicle that has the capability to drive the vehicle on which the technology is installed without the active control or monitoring by a human operator.

Roadways on Which a Traffic Crash May Occur

laned highway (s. 316.003 (18), F.S.): a highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

limited access facility (s. 316.003(19), F.S.): a street or highway especially designed for through traffic and over, from, or to which owners or occupants of abutting land or other persons have no right or easement, or only a limited right or easement, of access, light, air, or view by reason of the fact that their property abuts upon such limited access facility or for any other reason; such highways or streets may be parkways from which trucks, buses, and other commercial vehicles are excluded; or they may be freeways open to use by all customary forms of street and highway traffic.

private road or driveway (s. 316.003 (33), F.S.): except as otherwise provided in paragraph (53)(b), any privately owned way or place used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons

state road (s. 316.003 (50), F.S.): any highway designated as a state-maintained road by the Department of Transportation

roadway (s. 316.003 (42), F.S.): that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder; in the event a highway includes two or more separate roadways, the term roadway as used here refers to any such roadway separately, but not to all such roadways collectively.

street or highway (s. 316.003(53), F.S.):

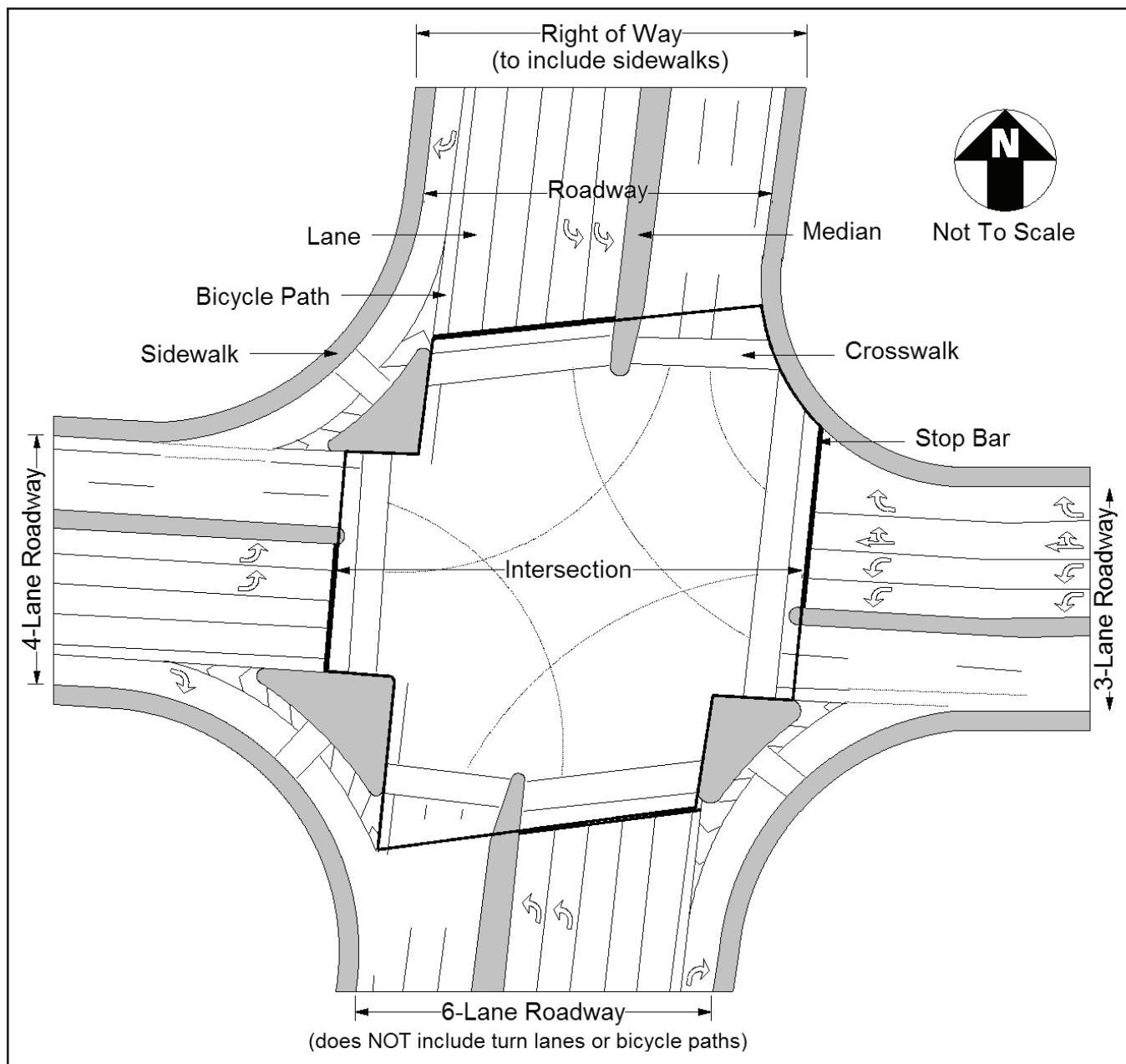
- (a) the entire width between the boundary lines of every way or place of whatever nature when any part thereof is open to the use of the public for purposes of vehicular traffic;
- (b) the entire width between the boundary lines of any privately owned way or place used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons, or any limited access road owned or controlled by a special district, whenever, by written agreement entered into under ss. 316.006(2)(b) or (3)(b), a county or municipality exercises traffic control jurisdiction over said way or place;
- (c) any area, such as a runway, taxiway, ramp, clear zone, or parking lot, within the boundary of any airport owned by the state, a county, a municipality, or a political subdivision, which area is used for vehicular traffic but which is not open for vehicular operation by the general public; or
- (d) any way or place used for vehicular traffic on a controlled access basis within a mobile home park recreation district which has been created under s. 418.30, F.S., and the recreational facilities of which district are open to the general public

intersection (s. 316.003 (17), F.S.):

- (a) the area embraced within the prolongation or connection of the lateral curblines; or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles; or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict
- (b) where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection; in the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

crosswalk (s. 316.003 (6), F.S.):

- (a) that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway, measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway
- (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface



Roadway description

Figure 12-2

SECTION VOCABULARY*autonomous (vehicle) technology**autonomous vehicle**bicycle path**crosswalk**driver**fatal injury**incapacitating injury**intersection**laned highway**limited access facility**motor vehicle**non-incapacitating injury**pedestrian**private road or driveway**roadway**serious bodily injury**sidewalk**state road**street or highway**traffic crash**vulnerable road user*

sidewalk (s. 316.003 (47), F.S.): that portion of a street between the curb line, or the lateral line, of a roadway and the adjacent property lines, intended for use by pedestrians.

bicycle path (s. 316.003 (63), F.S.): any road, path, or way that is open to bicycle travel, which road, path, or way is physically separated from motorized vehicular traffic by an open space or by a barrier and is located either within the highway right-of-way or within an independent right-of-way.

Types of Injuries Sustained in a Traffic Crash

serious bodily injury (s. 316.027(1)(a), F.S.): an injury to a person, including the driver, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of a bodily member or organ.

fatal injury: an injury resulting in an individual's death within a 12-month period after the traffic crash.

incapacitating injury: visible or non-visible signs of injury, such as a bleeding wound or distorted member, usually requiring transportation to a medical facility and hospitalization.

non-incapacitating injury: visible or non-visible signs of injury or complaint of injury, not requiring transport from the scene.

UNIT 2 | TRAFFIC CRASH MANAGEMENT

LESSON 1 | Responding To and Assessing a Crash Scene

LESSON GOAL: At the end of this lesson, you should be able to respond to and assess a crash scene safely as well as take appropriate safety action regarding any hazardous condition that may be present.

Your safe arrival at the crash scene, using officer safety techniques, is crucial to the protection of crash victims. If a crash scene involves fire or hazardous materials, it can quickly get out of control. Parking the patrol vehicle safely, accurately assessing the crash scene, and requesting necessary assistance helps prevent further injuries. You must take control of a traffic crash situation and conduct the resulting investigation by quickly and efficiently getting pertinent information and determining the cause of the crash. This process is usually referred to as **traffic crash management**. It is your responsibility to control, manage, normalize, and document a traffic crash as quickly as possible.

The traffic crash management process involves the following ten steps:

- Step 1:** Respond to the traffic crash scene safely.
- Step 2:** Assess the scene of the crash.
- Step 3:** Secure a safe work environment at the crash scene.
- Step 4:** Provide emergency medical assistance to injured people, if necessary.
- Step 5:** Obtain pertinent information.
- Step 6:** Investigate the crash to determine how and why it occurred.
- Step 7:** Return the scene to normal as quickly as possible, if appropriate.
- Step 8:** Complete driver exchange of information.
- Step 9:** Take enforcement action.
- Step 10:** Document the crash.

The rest of the lessons in this chapter will explain these steps.

Step 1: Respond to the Crash Scene Safely

After receiving the call for service, get as much information as possible about the crash location, such as street names, addresses, and the mile marker. It is important to respond to the scene safely in accordance with agency policy and state statutes. You cannot assist others if, while responding to the crash scene, you become involved in a crash.

Use all available traffic safety equipment in accordance with the Department of Transportation or agency policies. Any time you are working around highways, roadways, or construction areas, make sure to wear high-visibility safety apparel, such as a brightly colored vest.

OBJECTIVES

- LE079.7.** List the ten steps of the management process in a crash investigation.
- LE079.8.** Arrive at a crash scene safely during a crash investigation.
- LE079.9.** Wear the appropriate personal protective equipment (PPE) in accordance with agency policy during a crash investigation.
- LE079.10.** Identify the type and extent of a crash during a crash investigation.
- LE079.11.** Locate the vehicles involved in a crash to determine the parameters during a crash investigation.
- LE079.12.** Describe how to manage fire-related conditions at a crash scene during a crash investigation.
- LE079.13.** Describe how to manage hazardous materials conditions at a crash scene during a crash investigation.

SECTION VOCABULARY*traffic crash management***Step 2: Assess the Scene of the Crash**

Many factors will help you assess the crash scene. Upon approaching the crash scene, view it from a distance to determine its type and extent.

Locate Vehicles Involved in a Crash

By locating the vehicles involved and the property damaged in an incident, an officer should be able to conclude the parameters of the actual crash scene. The officer can also determine the path of travel by examining the evidence left by the involved vehicles. Look for damaged property near the crashed vehicle. You may become aware of involved vehicles which may have left the scene or other vehicles or people that were not immediately obvious during the initial scene assessment.

Fire Management at the Crash Scene

Be aware of the possible dangers and hazards that you may encounter at the crash site, fire being one of them. If the fire is small enough and appropriate for the type of fire extinguisher in the patrol vehicle, use the fire extinguisher to put out the flames. If necessary, request assistance from the fire department for vehicle fires. Crash damage may be camouflaged by fire and should not be overlooked.

In the event of a vehicle fire, passengers, witnesses, and non-motorists may need to be evacuated to a safe location. Officers must decide if the passengers in the vehicle can be removed safely. To conduct the evacuation, use verbal commands and common gestures to direct all people away from the fire toward a safe location. If a large number of people are present, use the patrol vehicle's public address system to direct observers away from the scene. When deciding on a safe location for them, consider the amount of traffic, the weather, and the buildings in the area that may be affected by the fire. If there is a breeze, people should be directed upwind from the scene.

Hazardous Materials Management at the Crash Scene

During scene assessment, you may discover a commercial motor vehicle involved in the traffic crash. Before approaching the scene, determine if the vehicle's contents are hazardous. Locate the placard on the vehicle and refer to the Department of Transportation's *Emergency Response Guide (ERG)* to verify the contents. Also consult the *ERG* if other hazards are present, such as toxic fumes or the risk of fire reaching gas tanks, and for recommended minimum evacuation distance in all directions. If anything presents a hazard, follow agency policy regarding handling procedures. (See the *ERG* for additional information.)

Officers should be aware of hazardous conditions, which may include fluids being on the ground, clouds of gases or smoke, people lying injured in the roadway, and downed wires. Crash debris, such as small pieces of metal and glass, pose additional threats to both vehicle and pedestrian traffic.

UNIT 2 | TRAFFIC CRASH MANAGEMENT

LESSON 2 | Securing and Preserving a Crash Scene

LESSON GOAL: At the end of this lesson, you should be able to secure a safe working environment, request additional resources, and provide emergency assistance to injured people if necessary, at a crash scene.

Step 3: Secure a Safe Work Environment at the Crash Scene

Traffic crashes attract motorists' attention and cause gawking or "rubbernecking," which slows the traffic flow. This can be a hazard since drivers tend to focus on the crash and not on driving around the scene. Many secondary crashes happen because of this lack of attention. Nighttime crash scenes compound this hazard because nighttime vision is limited. Flares and lights from the patrol vehicle distract drivers' attention and obscure vision.

People with night vision difficulties have trouble adjusting from the bright lights around a crash scene to the normal lighting from headlights or streetlights. Effectively controlling the scene can help reduce the chance of additional crashes.

Conditions due to emergency vehicle lights, heavy traffic, or movement on and off the roadway can reduce vision. Traffic conditions affected by buildings, signs, curves, hills, trees, rain, smoke, and fog will also impact a driver's vision. Whenever possible, work facing oncoming traffic so that you will see hazardous situations as they develop.

Position the Patrol Vehicle Safely

The patrol vehicle is the primary tool for controlling traffic. It warns motorists of the hazards at a traffic crash scene. When positioning the patrol vehicle, find a safe location where you can be clearly visible to oncoming vehicles. It should be away from hazards or threats and should redirect the flow of traffic, while maintaining officer safety. The officer should avoid and prohibit parking on any evidence at the crash scene. This is only the first step in protecting the crash scene and is instrumental in preventing additional crashes. Follow departmental policies when positioning patrol vehicles.

Activating the patrol vehicle's emergency lights is universally recognized as a caution or alert from long distances. The headlights should be on low beam so as not to blind drivers approaching from the opposite direction. The emergency lights should be on throughout the traffic crash management process.

OBJECTIVES

LE079.14. Review the traffic conditions at a crash scene thoroughly to reduce the chance of secondary crashes occurring during a crash investigation.

LE079.15. Position the patrol vehicle at a visible, safe location to assist in controlling traffic flow and warning motorists during a crash investigation.

LE079.16. Activate the patrol vehicle emergency lights fully at the crash scene as a caution to all road users during a crash investigation.

LE079.17. Use the appropriate reflective and warning devices to protect the crash scene in accordance with agency policy during a crash investigation.

LE079.18. Re-route the vehicular traffic flow effectively at a crash scene in accordance with agency policy during a crash investigation.

LE079.19. Ensure the safety of all personal property at the crash scene in accordance with agency policies and procedures during a crash investigation.

LE079.20. Decide which agency will conduct the crash investigation by determining the jurisdiction of the crash location.

- LE083.1.** Determine the need for additional resources by thoroughly assessing the crash scene during a crash investigation.
- LE083.2.** Request dispatch to provide additional resources to manage unusual conditions at the crash scene during a crash investigation.
- LE083.3.** Preserve the crash scene for investigative purposes in accordance with agency policy during a crash investigation.
- LE083.4.** Provide efficient emergency medical assistance to injured people prior to the arrival of EMS during a crash investigation.

Use Traffic Reflective and Warning Devices

As stated earlier, the patrol vehicle is the first available equipment that you can use to protect the crash scene. Additional warning devices used to alert and direct motorists include traffic cones, vests, flares, barricades, message boards, and signs. Agencies may access outside resources, such as their Public Works Department, to provide additional warning devices.

It is extremely important for officers directing traffic or investigating a crash to be visible to oncoming traffic. Wear the reflective vest over your uniform so that you do not restrict access to your gun belt. A flashlight with a wand attachment and reflective gloves are additional tools that will make officers more visible.

Before placing warning devices, the officer should assess the scene to determine what type of warning devices to use, how many will be required, and their placement pattern in order to prevent further damage or injury. The number of warning devices that an officer will use depends on the size of the area that needs protection, or the extent of the scene, which is determined by the distance between the first harmful event and the final resting point of vehicles and debris. The size is also affected by the number of traffic lanes and the normal speed of travel on the roadway.

To determine how far away from the crash to place the cones or flares, first consider how fast traffic is moving. Also consider how quickly drivers can react to the traffic disturbance. The faster the traffic is moving, the further away from the scene you will have to place warnings. Posting an officer at the scene's access point is also a good technique for preventing further crashes.

Flares or fuses are very important warning devices at a crash scene. They can be used to protect the scene, and they are easy to store in the trunk of a patrol vehicle. Flares do not only serve as effective warning devices at night; they are also visible warning devices to motorists during the day.

Environmental conditions may affect the placement and number of traffic warning devices. Before using devices, such as flares, an officer must make sure there are no flammable items, liquids, or chemicals which may react to a flame. A safe distance away from the hazardous materials is determined by the type of material involved as outlined in the *Emergency Response Guide (ERG)*. Keep flares away from combustible materials to avoid additional hazards. In drought areas, the flares could come into contact with the dry grass on the side of the road and ignite a wildfire. When using warning devices to establish traffic control patterns, it is necessary to remember how they appear to oncoming traffic.

Divert Traffic Around the Crash Scene

You may have to direct traffic around the scene until the roadway is cleared.

Figure 12-3 is an example of a traffic crash involving two disabled crash vehicles on a two-lane roadway. The officer parks the patrol vehicle in the roadway to block oncoming

traffic from the crash scene and places flares or cones in front of and behind the involved vehicles. These placement methods are used by most Florida law enforcement agencies. The pattern helps to draw attention to the cones or flares and indicates to oncoming drivers to drive around the scene. Another alternative would be to place the patrol vehicle with the emergency lights activated on the roadway to serve not only as a physical barrier to protect the scene but also as a warning device for re-routing other roadway users, especially when flares and cones are not available. Officers should be familiar with and follow their agency's policy on the placement of warning devices.

When there is no safe way to protect the scene, place a roadblock. The purpose of the roadblock is to prevent injury or damage to motorists and protect the crash scene. If practical, avoid residential areas, schools, and playgrounds when choosing where you redirect traffic.

When traffic is redirected, make sure that dispatch is advised immediately so that information can be relayed to the public and to other affected jurisdictions. The officer should also provide the anticipated time needed to re-open the roadway.

Protect Personal Property at the Crash Scene

If a crash exposes occupants' property, such as purses, wallets, or boxes, the officer should secure these items in accordance with agency policies and procedures. If any of the vehicles involved in a crash are to be towed, the officer shall document on the tow receipt any property left in a crash vehicle in accordance with s. 713.78 (7)(c), F.S.

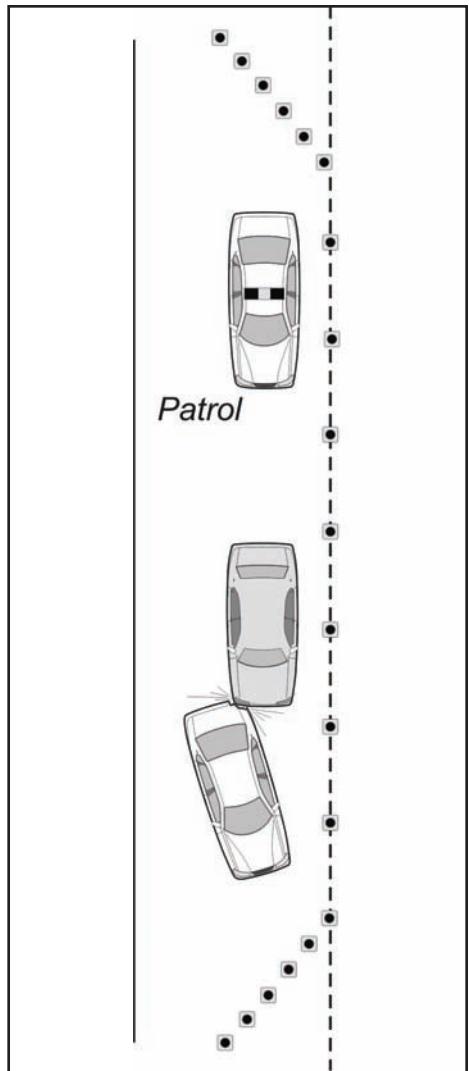
Determine the Need For and Request Additional Resources

Sometimes it is necessary to have additional law enforcement personnel at the crash scene. The officer must assess the crash scene to decide which additional resources, if any, are needed.

Those situations may include making special arrangements for oversized, hazardous, or commercial vehicle traffic; making an arrest; completing searches; completing paperwork; taking photographs; measuring tire marks; directing traffic; or establishing and maintaining roadblocks. Other resources may include the need for the fire department, the Department of Transportation (DOT), the Florida Highway Patrol, or the hazardous materials (hazmat) team. Radio dispatch to arrange for additional resources, if necessary, and request that the responding units be advised of any unusual details they should be aware of before arrival. Such information may include conditions regarding hazards, dangers, or medical issues.

Preserve the Crash Scene

In addition to protecting the scene for safety reasons, the officer must preserve the scene for investigative purposes. Nothing should be touched or moved except the injured parties to save lives while a traffic homicide investigator is called in to respond to a fatality or serious bodily injury crash.



Traffic cones or flares

Figure 12-3

SECTION VOCABULARY

first harmful event

Vehicles used in the commission of a crime and involved in a crash must be preserved for further investigation. These vehicles should not be moved until after the traffic homicide investigator assesses the scene and documents the evidence or until otherwise directed.

Step 4: Provide Emergency Medical Assistance to Injured People

During the initial call that reports the crash, dispatch should ask if there are any injuries. If there are, Emergency Medical Services (EMS) should have been dispatched and may arrive at the scene before an officer. If you arrive at the crash scene before EMS, locate all people involved in the crash; find out if they have any injuries; render first aid to the injured prior to the EMS's arrival. It is common for people involved in a crash to be emotionally upset regardless of how minor the crash may be. Remain calm and empathetic to people's emotional states. If the EMS is not present when the first officer arrives, that officer is responsible for making sure the EMS is en route.

Determine the Jurisdiction of the Crash

The crash should be investigated by the jurisdiction where the *first harmful event* (first damage or injury producing event) occurred. The officer can locate the area of collision (AOC) by examining the location of the first harmful event. The AOC is where the first harmful event occurs. It may be indicated by crash debris, fixed property damage, broken glass, gouge marks, and scrape marks.

If the crash occurred within the responding officer's jurisdiction, he or she should investigate the crash; otherwise, the appropriate agency should be notified. The officer should remain to protect the public and the crash scene until the appropriate agency arrives. The responding officer may assist with the investigation or provide help with traffic control depending upon his or her agency's policy. Individual agencies may have policies governing how to investigate a crash with multi-jurisdictional boundaries. If so, officers should follow their respective agency policies. When the jurisdiction cannot be determined, the Florida Highway Patrol (FHP) may be called in, since they have statewide jurisdiction.

UNIT 2 | TRAFFIC CRASH MANAGEMENT

LESSON 3 | Obtaining Pertinent Information Regarding the Crash

LESSON GOAL: At the end of this lesson, you should be able to identify people to interview and obtain pertinent information regarding the crash from the involved parties, witnesses, and non-motorists for completing a crash report.

Once an officer has secured the scene, aided the injured, and set up traffic directions, it is time to begin the crash investigation. A review of the phases of a traffic crash will assist officers in determining how and why the crash occurred as well as the final rest of the vehicle. The three phases of a crash are: pre-collision, at-collision, and post-collision.

The ***point of perception*** is when the driver becomes aware of a danger or hazard. The ***pre-collision phase*** or the ***point of possible perception*** is the earliest possible time the driver could have become aware of a potential danger or hazard. ***Evasive action*** is any action taken by the driver to alter the speed or direction of a vehicle or to avoid a pedestrian, such as applying the brakes, turning the steering wheel, or moving out of the way. ***Reaction time*** is the length of time between the point of possible perception and the start of the evasive action. ***Point of no escape*** is the point in time when the crash is inevitable, regardless of the evasive action taken.

The ***at-collision phase*** begins with the time of initial impact or contact. ***Encroachment*** occurs when two objects begin to enter the same space at the same time. This is where the first injury or damage may occur. Damage will occur when contact is made between vehicles or objects entering the same space. Evasive action may also occur here if no contact is made between vehicles or objects. ***Maximum engagement*** is the point at which the vehicles or other objects are crushed together to the greatest extent.

The ***post-collision phase (disengagement)*** is the point when the vehicles separate, either naturally or artificially. Often, a second impact known as secondary contact occurs in chain reaction collisions or when one vehicle glances off another into the path of a third vehicle, property, or person(s). ***Final rest*** is the point when all activities from the crash come to a halt.

Step 5: Obtain Pertinent Information

Identify Drivers, Passengers, Non-motorists, and Witnesses

The officer should determine the drivers of the vehicles involved in the crash and ask them to provide their drivers' licenses, vehicle registrations, and proof of insurance.

OBJECTIVES

LE079.21. Explain the three phases of a crash associated with a crash investigation.

LE079.22. Identify all people who may be interviewed regarding a crash during a crash investigation.

LE079.23. Explain the statutory requirements for the identification of drivers, the certificate of vehicle registration, and the proof of vehicle insurance during a crash investigation.

LE079.24. Collect pertinent and factual information from all the people having knowledge of the crash during a crash investigation.

LE079.25. Obtain written or recorded statements regarding the crash from witnesses in accordance with agency policy and procedures during a crash investigation.

Proof of insurance may be provided in either a uniform paper or electronic format as prescribed by the DHSMV. While the drivers locate and retrieve their information, the officer may locate, separate, and begin interviewing the witnesses, passengers, and non-motorists at the scene regarding the crash.

Identification Information

Drivers Involved in a Crash

The officer should verify each driver's identity, using the information contained in their driver's licenses, and check for outstanding warrants by calling in the license information to dispatch.

Vehicle certificate of registration

Based on s. 320.0605, F.S., an operator of a vehicle must possess and present, upon demand of a law enforcement officer, a certificate of registration (or an alternative stated in the statute) for the vehicle he or she operates, except during the first 30 days after purchase of a vehicle. This includes the registration certificate or the official copy of rental or lease agreement, replacement vehicle registration, internet electronic renewal temporary receipt, or cab card issued under the International Registration Plan. If an operator violates this statute or has questions about the certification requirement, the on-scene officer should explain this statute to the operator.

The registration is considered current if it reflects the information for the vehicle being driven by the driver and if the effective date includes the period in which the crash occurred. Example: In Florida, a certificate of registration is issued with each renewal of the registration license tag and reflects the period of one year from the birth date of the owner or from January 1 for vehicles registered under s. 320.08, F.S.

Proof of vehicle insurance

Section 316.066(1)(d), F.S., requires that each party of the crash must provide the law enforcement officer with proof of vehicle insurance, which must be documented in the crash report. Section 316.646(1)(a), F.S., stipulates that such proof shall be in a uniform paper or electronic format. Any party who fails to provide the required proof commits a noncriminal traffic infraction punishable as a non-moving violation as provided in chapter 318 of the Florida Statutes. The officer will issue a citation to a driver, when involved in a traffic crash, that cannot provide proof of insurance, whether he or she is the owner of the vehicle or not, unless the officer determines that injuries or other special circumstances prevented the driver from providing the insurance information immediately. However, the law enforcement agency may void the citation if the driver, within 24 hours of the crash, provides the proof of insurance which was valid at the time of the crash.

Interview People at a Crash Scene

Sometimes, witness accounts are all a traffic crash investigator can rely on when determining how the crash occurred. Obtain and document statements from all involved parties in order to determine the cause of the crash and properly cite violators.

When interviewing people, officers must distinguish between actual witnesses and bystanders, between those whose information is based on the final rest of the vehicles, and those who may have heard but not seen the crash.

Remember that a witness is not legally obligated to give any information or provide a statement about the crash. Likewise, passengers are not usually required to give statements because they were not driving. Although

their involvement is voluntary, the information they provide is important and appreciated. If a driver involved in a crash is unable to give a report or a statement about the crash, passengers are required to make it on behalf of the driver in accordance with s. 316.064 (2), F.S.

The officer must assess each witness' ability to understand the request for a statement and should note any indications of impairment caused by injury, dementia, intellectual disability, intoxication, medication or any other cause which may affect the witness' comprehension and memory recollection.

Officers can ask questions such as, "Can anyone give me information about the crash?" and "Can anyone tell me how this person was hurt?"

The officer should locate safe places for the drivers, passengers, non-motorists, and witnesses to stand or sit while interviewing others or examining the scene. A safe location will be:

- away from oncoming traffic
- protected from environmental conditions and
- out of the path of emergency vehicles at the scene

Separate all people involved to prevent them from influencing each other's statements or recollections. Witnesses may occasionally be hard to separate, especially when dealing with injured family members. The officer should be aware that witnesses may have already talked with each other while waiting for law enforcement. The officer should encourage witnesses not to discuss what happened until after their statements are taken.

When deciding the order of interviews, the officer should remember that independent witnesses are there on their own free will because of their good intention to help. They should not be kept at the scene any longer than is necessary to obtain their statements and information. Independent witnesses usually provide more accurate and reliable information about the crash.

The drivers of the vehicles are required by law to stay at the scene and exchange information. If injured people are going to be transported to a hospital, the officer should get their information first and later conduct a follow-up interview.

The officer should interview all witnesses, drivers, non-motorists, and passengers separately. It is best to ask open-ended questions when conducting interviews. Some witnesses may have a better vantage point of the crash. Any discrepancies in the responses should be clarified by asking questions to help determine their reliability. As you begin each interview, record the witness' contact information to follow up on the interview, if necessary. When interviewing a passenger, determine the passenger's relationship to the driver to identify potential biases.

To help witnesses recall specific events and details of the crash, the officer should interview them near where they were at the time of the crash, if possible. Interviews conducted after the crash scene is cleared may mean meeting the witness at home or the workplace.

During an away from the scene follow-up interview, witnesses should be allowed enough time to focus solely on their independent recollection of the crash events.

SECTION VOCABULARY*at-collision phase**disengagement
(post-collision phase)**encroachment**evasive action**final rest**maximum engagement**point of no escape**point of perception**point of possible perception
(pre-collision phase)**reaction time*

First responders, such as EMS or fire department personnel, may also have valuable information concerning the post-crash events. Spontaneous statements from people involved in the crash may have been made in their presence. They may be able to identify seating arrangements or the possibility of driver impairment.

Obtain Statements

Written or recorded statements may be required in some crash situations. They can be valuable tools to use for investigating a crash, such as for substantiating other witnesses' testimonies at the crash scene or for prosecuting them in court.

The officer may need to delay the collection of a statement or physical evidence if a witness involved in a crash was injured and taken to the hospital. When interviews must be delayed, the officer should consider asking drivers, passengers, non-motorists, and other witnesses to provide written statements about the crash. Having witnesses write statements about what they saw and heard allows the officer to obtain valuable information while performing other on-scene tasks. Written statements also help collect more accurate information by prompting involved parties and others to record their information as soon as possible after the crash. This prevents their loss of memory due to passage of time. The witness should sign and date the written statement.

Officers can use recorded statements in lieu of written statements. Such collected statements should include the witness' full legal name, physical address (no P.O. Boxes), and telephone numbers. When statements are recorded, the witness should swear or affirm the testimony. Officers should always follow agency policy and procedures for obtaining statements.

UNIT 2 | TRAFFIC CRASH MANAGEMENT

LESSON 4 | Establishing Evidence, Area of Collision, Cause of Crash, and Taking Measurements

LESSON GOAL: At the end of this lesson, students should be able to identify the chain of crash events, establish physical evidence, determine area of collision, reasons for the crash, and take appropriate agency-approved measurements at the crash scene.

Step 6: Investigate the Crash to Determine How and Why it Occurred

Collect Evidence

Correctly interpreting evidence such as roadway marks, debris, or vehicle damage is important during a crash investigation. When collecting evidence, officers should be aware that the roadway may have pre-existing damage, skid marks, and debris from other incidents; the involved vehicles may also have pre-existing damage or may have been moved to the side of the road to allow for normal traffic flow.

Due to the transitory nature of fragile, temporary, and short-lived evidence—such as squeegee marks, tire prints, skid-marks, furrows, puddles (e.g., gasoline, oil, and water), vehicle debris, vehicle position in or off a roadway, and the position of the injured or deceased people—should be identified, protected, traced, photographed, and measured first, as appropriate.

Measure permanent evidence items—such as roadway dimensions, sight distances, grade or slope, locations of traffic-control devices, and distances between landmarks—as soon as is practical, keeping in mind that they could not last longer than a few days.

Identify the Damage Area on a Vehicle

To identify the area of collision (AOC), start by examining the damage to the vehicles. Vehicle damage falls into three types: **contact, induced, and pre-existing**. You must be able to differentiate between these types of damage to correctly identify the AOC.

Contact damage: any damage to a vehicle resulting from the direct pressure of any object in a collision or rollover. It usually appears as scrape marks or striations on the body of the vehicle, material rub-off, such as paint from the other vehicle (called paint transfer), rubber, or tree bark, or as a puncture to or imprint on a bumper, guard rail, or other fixed object.

Induced damage: any damage to a vehicle other than contact damage; often occurs as bending, breaking, crumpling, twisting, distortion, or buckling of the vehicle metal.

OBJECTIVES

LE079.26. List the common types of evidence to collect at a crash scene during a crash investigation.

LE079.27. Determine the path of travel of a vehicle involved in a crash using vehicle dynamics analysis during a crash investigation.

LE079.28. Describe the common types of tire marks that can be identified and measured at a crash scene during a crash investigation.

LE079.29. Determine how the crash occurred by analyzing the collected evidence, observing the crash scene, and interviewing the people at the crash scene during a crash investigation.

LE079.30. Determine why the crash occurred by analyzing the collected evidence, observing the crash scene, and interviewing the people at the crash scene during a crash investigation.

LE079.31. Take clear photographs of the involved vehicles and the crash scene in accordance with agency policy and procedures during a crash investigation.

LE079.32. Measure the skid marks found at the crash scene accurately in accordance with agency policy during a crash investigation.

LE079.33. Describe how to prepare a factual and observable sketch of the crash scene in the field notes using agency approved symbols during a crash investigation.

LE079.34. Identify the additional important resources that may be needed during a crash investigation.

LE080.1. Describe the three types of damage on a vehicle involved in a crash during a crash investigation.

LE080.2. Determine the area of collision during a crash investigation.

LE080.3. Locate the area of collision using common evidence found at the crash scene during a crash investigation.

Pre-existing damage: existed before the crash. This is usually identifiable as damage which does not fit the pattern of the crash and appears rusted, dirty, or weathered.

The officer can determine what part of the vehicle was first contacted and damaged by another vehicle or object by finding any contact damage. The officer can determine the AOC by observing the damage flow—the direction of the damage on the vehicle—and tracing it backwards to the first appearance of damage. This process helps determine the area on each vehicle damaged by the crash. The officer should reach a conclusion about each vehicle's actions based on the physical evidence as well as statements from the drivers, passengers, non-motorists, and witnesses. Contact damage should be consistent with other physical evidence, statements from people involved, and independent witnesses.

Area of Collision (AOC)

The ***area of collision*** is the location of the first harmful event, or the first damage-producing event in a traffic crash. It shows the officer where the collision occurred. This is important for determining the jurisdictional boundaries of the crash. It is a pivotal point in the investigation, as you will use it to determine the direction a vehicle was traveling and the probable location of the debris field.

You will also use it to substantiate witness testimonies and determine the point of impact. The point of impact is the place where a vehicle or object in transit strikes another vehicle, object, or roadway.

Assess Area of Collision

Evidence found at a crash site can assist an officer in locating the area of collision on the roadway. Crash evidence could include marks on the roadway made by the vehicle during the crash, such as gouges, scrapes, liquid runoffs and pools, and debris. The officer should examine how the following types of evidence can help determine the AOC.

A ***gouge*** is a cut into the surface of the roadway where the surface material has been removed by some part from the vehicle. An example is when a bolt on the underside of a vehicle cuts into the pavement, leaving a trench or gouge in the road surface at the area of collision.

A ***scrape*** is a broad area of a hard surface covered with many scratches, striations, or streak marks made without great pressure by a sliding metal part. Scrapes occur between the area of collision and the point of the vehicle's final rest.

A ***runoff*** is a liquid pool, fluid trail, or line of flow from fluids escaping from a vehicle as a result of impact. Quite often, hard impacts will make radiators, hoses, and brake lines burst. When this occurs, the liquid will run out of the vehicle onto the roadway. Often, these liquids will leave a trail from near the area of collision to final rest. While not pinpointing the exact location of the AOC, runoffs do give the general location.

Debris is loose material strewn about the road as the result of a traffic collision and can be composed of dirt, liquids, vehicle parts, and other materials from the involved vehicles. Checking the scene for debris on the roadway may help to indicate the AOC. Finding where the debris started may help to locate the area of initial collision.

The officer should match the damage on the vehicles involved to the debris found at the scene. Example: a vehicle's rear reflectors are red. If there are yellow reflector pieces lying on the ground, the officer could conclude this debris did not come from this crash. Glass on the roadway for some time has a tendency to become rounded on the edges. New glass, on the other hand, has sharp, well-defined edges.

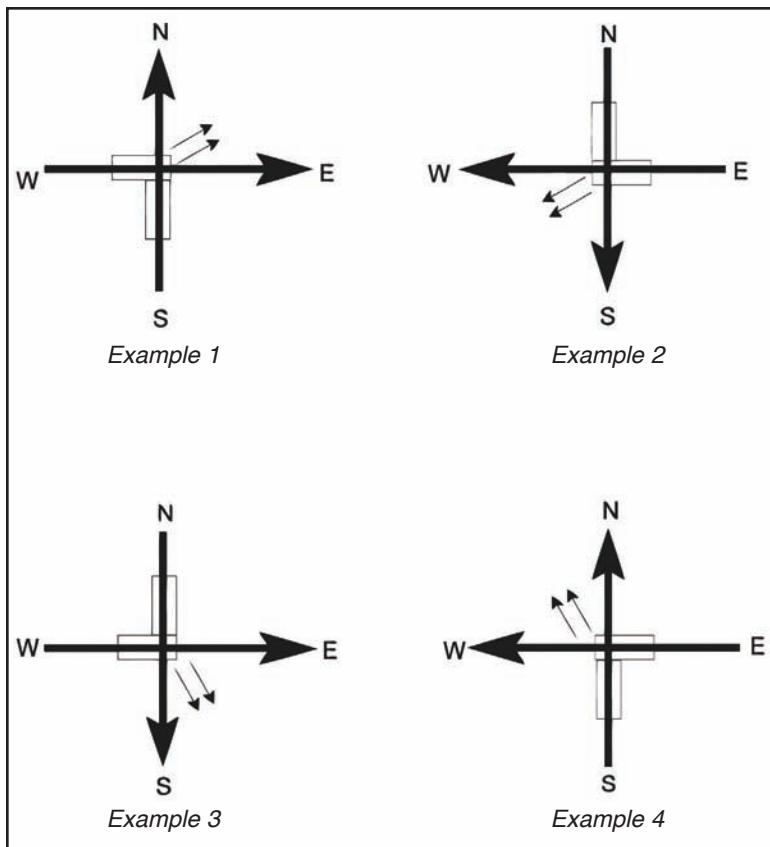
Locating parts of a vehicle such as bumpers, headlights, and tail light lenses can also be used to indicate the area of collision and the direction a vehicle was traveling. Vehicle parts continue to move in the direction of the force of the impact until stopped by an object or the resistance of the roadway surface.

All vehicles tend to accumulate road grime, grease, dust, dirt, or other foreign matter on their undercarriages. The forces involved in collisions cause the debris to become dislodged from the undercarriage and fall down in the direction of the force.

Vehicle dynamics in relation to a crash: the officer can consider the movement of vehicles during and after collision when determining the path of travel and assisting in locating the area of collision. Basic physics teaches that an object in motion continues to remain in motion until acted upon by an external force. In a crash investigation, external force is normally another moving vehicle or a stationary object such as a tree or building.

These principles will either support the statements of the drivers, passengers, and witnesses and the physical evidence at the scene or will indicate there may have been other factors involved in the crash.

At a four-way intersection divided into quadrants where a vehicle traveling east is struck by a vehicle traveling north, based on the laws of physics, the officer can expect the two vehicles to travel into the northeast quadrant (Example 1). The actual result will be dependent upon several factors: size, weight, and speed. Likewise, if a vehicle is traveling south, and the other is traveling west, the two vehicles can be expected to come to rest in the southwest quadrant (Example 2). A vehicle traveling east striking a second one traveling south would likely result in a final rest in the southeast quadrant (Example 3). If one of the vehicles involved in the collision is traveling north and the other is traveling west, then the final rest will be in the northwest quadrant (Example 4). See Figure 12-4.



Vehicle dynamics in relation to a crash

Figure 12-4

By understanding the concept of vehicle dynamics, the officer will be able to evaluate the travel paths of vehicles involved in a traffic crash. Example: If a driver claims he was driving west and the other driver claims he was driving north, and both vehicles came to a final rest in the northeast quadrant after an uncontrolled skid, then we know one of the vehicles had to be traveling east. Proper examination of the crash scene should corroborate this information.

Objects in the path of the vehicle which are struck or moved should be identified, as they may change or alter the vehicle dynamics. Although this evidence does not fall into any of the previous categories of evidence found on the roadway, this type of damage may help to determine the AOC by showing the path a vehicle followed either prior to or after the crash. It may help explain damage done to the vehicles. The officer should look for objects or items located at the scene which may have been moved from their original location. These items may be located in a position not consistent with the original direction of the vehicles or with the direction of force.

Locating Tire Marks at a Crash Scene

The term ***surface marks*** refers to the marks created by vehicle's tires at a crash scene. Each type of mark can provide specific information and should be identified and measured for the investigation. The officer should indicate which mark came from which vehicle and from which tire of the vehicle.

A ***skid mark*** is the black mark left by a tire sliding while not free to rotate. "Skid marks tend to be straight, although they can exhibit some curvature due to asymmetrical braking (not all brake pads lock simultaneously) or due to the crown of the road. These factors can make the vehicle depart from a straight-ahead path. Front tire skid marks tend to be darker than rear tire marks (officers should remember that when braking, weight shifts toward the front of the vehicle) and the outside edges of the mark may be darker than the inside area, due to over deflection of the tire (weight shift, again). The tire grooves are generally visible and easy to see in a skid mark. Rear tire skid marks tend to be even in appearance, that is, no dark outside edges." (Martinez, 1994)

Skid marks generally indicate the beginning of the braking of a vehicle because a vehicle braking hard will actually start to cease tire rotation before skid marks begin. This beginning point of braking leaves a light discoloration, or shadow mark, on the roadway called an ***incipient skid*** or ***impending skid mark***. This is the portion of the skid mark representing the most efficient braking of the wheel. This is also the type of skid mark left by anti-lock braking system (ABS).

The beginning of this part of the skid is called the skid mark loading point. It is the start of the skid mark and should be measured. It is usually hard to see unless closely observed. It is also temporary and may no longer be visible 15 to 20 minutes after the marks are made.

Intermittent skid marks are a series of skid marks with long gaps (more than 15 feet) between heavy skid marks. This pattern is caused by rapidly applying and releasing the brakes.

Skip skid marks are a series of skid marks usually short in length with irregular intervals between them. This pattern appears when a vehicle has a sudden load shift while braking hard. The weight shift causes a bouncing, which results in the skip skid mark. This is more typical of trailer vehicles. A car skidding on a bumpy road also makes this mark.

Offset marks are skid marks indicating an abrupt change in the direction of a tire due to collision forces. The only item of evidence that pinpoints the exact AOC on the roadway is offset skid marks. It is the direct result of the movement of the vehicle by the force of collision and occurs at the moment of collision.

Anti-lock braking system (ABS) scuff marks are the patterns left by a vehicle with anti-lock brakes when a driver brakes hard. These marks do not resemble the solid skid marks. The function of the ABS is to prevent the wheels from locking by rapidly applying and releasing the brake and thereby allowing the driver to remain in control of the steering. Vehicles equipped with ABS may leave faint, intermittent, visible skid marks. These are also limited in time and will no longer be visible 15 to 20 minutes after they are made.

A **squeegee mark** is a strip of dry pavement remaining after a vehicle skids on a wet roadway. The locked tire acts similarly to a window squeegee by removing water from the skid path. Due to the way these marks are made, they disappear quickly and are temporary evidence.

A **furrow mark** is a type of trench dug by locked tires moving across a soft surface such as gravel, sand, grass, or dirt. The furrow is shallow at the beginning of the skid and deepens with a piling of the surface material in front of the tire at the place where the vehicle finally rests.

A **scuff** or **yaw mark** occurs when a vehicle loses tire traction as a result of entering a curve too fast or over steering. The tires in this case continue rotating but slide sideways at the same time. Marks are left from the tires slipping across the roadway once the adhesion limit of the tires is exceeded. The tires produce a screeching sound and leave rubber marks on the roadway. The scuff or yaw marks may be evidence of when the driver began to lose control of the vehicle. They will always be curved and will show a sideways striping or striation from the side motion of the tires.

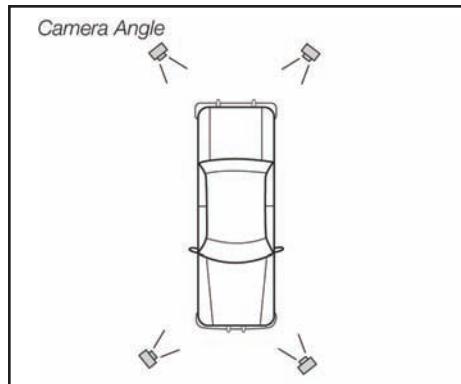
Acceleration scuff marks result from rapid acceleration and a sudden stop, causing the tires to produce gradually fading dark tire marks.

A **tire print** is a mark left by a tire rolling over a soft material such as sand, dirt, or a liquid on a hard surface, such as oil, and which leaves an identifiable pattern matching the tread of the tire.

Determine How the Crash Occurred

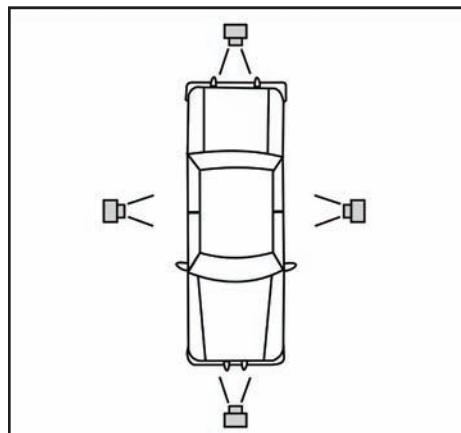
Determining the AOC involves examining the scene of the crash and the surrounding areas for marks, debris, and damage. The force of the crash may cause vehicle parts to travel great distances, involve damage to objects near the roadway, and leave trails of evidence along the paths of the vehicles. All of the items of evidence found on the crash scene, when viewed as a whole, should provide a fairly accurate location of the AOC on the road surface and point to how the crash occurred.

Statements obtained during the investigation provide additional information about actions taken prior to and during the crash. Take these statements into consideration along with the physical evidence from the scene when determining the cause of the crash. Examples include driver impairment or inattentiveness (including texting), or mechanical problems with the vehicle. Document in your field notes the driver's condition or pre-crash events for a later use in preparing the crash report.



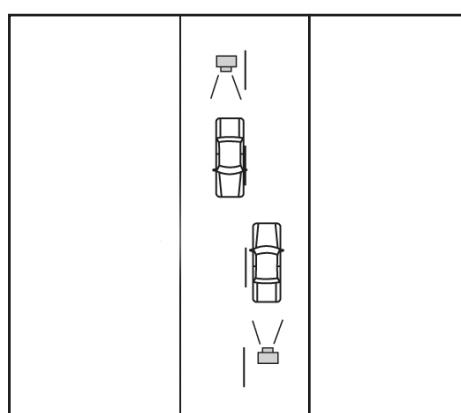
Photographing from the four corners

Figure 12-5



Photographing all four sides

Figure 12-6



Photographing from approach paths

Figure 12-7

Analyze the information to determine if the condition of the vehicle contributed to the cause of the crash. Compare observations of the vehicle, physical evidence, and statements from drivers, passengers, witnesses, and non-motorists for consistency. Note any contributing factors such as the conditions of the road, lighting, and weather. A driver may blame the fact that the road was slippery, it was foggy, or that the brakes failed to give reasons for hitting the back of the vehicle. Compare this statement to other statements obtained. Statements should be compared to the physical evidence.

The next question the officer considers is “Why did the crash occur?” This is the point at which the officer establishes what or who is responsible for the crash. To make this decision, the officer must consider all of the events reported during interviews and supported by the evidence. From the events related to the crash, the officer must determine which is the first event or primary factor to the crash. The **primary factor**, or **primary collision factor**, is what the first injury element or driving action was. It describes the main or primary cause of the crash. The first harmful event determines the time, place, and type of crash. The primary factor may occur simultaneously with the first event or sometime before.

The officer should consider all of the information and be able to conclude why the crash happened. Did a driver fail to react in a timely manner before the point of no return? Was the vehicle improperly maintained? Did a pedestrian violate statute and enter the roadway improperly? Through the investigation, the officer should be able to determine why the crash occurred.

Photograph the Crash Scene

Photograph the crash scene immediately after the emergency is put under control but before evidence has been disturbed and the scene altered. The extent to which an officer will be required to photograph the evidence in a traffic crash investigation is established by agency policy and is largely dependent upon the severity of injuries resulting from the crash.

Photographs are important because they record the scene’s physical condition, supplement other documentation, aid the officer in drawing conclusions about the crash, and can assist in reconstructing the crash by a traffic homicide investigator. They serve as a true and accurate depiction of the crash scene capturing evidence and can be used later to recall facts and information forgotten or missed. Photographs also serve as evidence to prosecute traffic violators and document the extent of damage. The officer should document in the report the date and time the photographs were taken and who took them.

All relevant evidence and damage at the crash scene should be photographed from several angles. For the involved vehicles, photograph all the corners, sides, approach paths, and the AOC.

Measure Skid Marks at the Crash Scene

Once you finish photographing the crash scene, take measurements to document distances, locations, and the size of evidence. Take precaution when taking measurements at the crash scene to ensure the safety of everyone. Crash-scene measurements are used to locate precisely significant objects in the crash, to document the events of a crash accurately, and to facilitate accurate testimony in corresponding court cases.

Instruments that can be used to measure evidence include rolling measuring wheels, fiberglass and steel measuring tapes of various lengths, and laser measuring devices.

Items to be measured include the following: area of collision, tire marks, skid marks, scuff marks, tire prints, gouges and scratches, debris of any type, vehicle parts, liquids or runoff, any item damaged or struck as a result of the crash, and the final resting positions of vehicles and bodies.

When skid marks are not continuous but are intermittent skids, they may have been made by a vehicle bouncing along on the roadway. In this situation the length of the skid mark and the length of the space between them is uniform and consistent, and less than 3 to 4 feet apart. This condition can result when the wheel strikes a pothole, or bump on the roadway, which starts the vehicle bouncing.

The procedures for measuring skid marks include determining how many wheels were skidding and the beginning and end of each skid mark. To measure skid marks, locate the beginning, the end, and all gaps by each wheel. This includes the incipient skid mark. Match each skid mark to a specific wheel. Example: the label RF is used for the right front, LF is used for the left front, LR is for the left rear, and RR is for the right rear. Note the beginning and end of each skid mark by using a lumber crayon, paint, or some other method used by your agency. Photograph evidence before and after making marks.

In the case of an offset skid mark, the skid should be measured in two parts with the two lengths recorded separately. Distances to be recorded and labeled include the distance from beginning to the offset beginning and the offset beginning to the end of the skid.

When the skid mark has a gap of 15 feet or more (intermittent skid), the officer should count them as two separate skid marks.

If the marks cross multiple surfaces, each mark on each surface must be measured separately.

Common mistakes that affect accurate measurements include:

- identifying the wrong type of surface that the skid marks were made on
- incorrectly identifying the beginning of a skid mark, and
- including gaps when measuring the skid.

By photographing the crash and taking measurements, a traffic homicide investigator can then apply mathematical measurement formulas to calculate a possible speed that a vehicle was traveling when the skid occurred.

SECTION VOCABULARY

- ABS scuff marks*
- acceleration scuff marks*
- area of collision (AOC)*
- contact damage*
- debris*
- field sketch*
- furrow mark*
- gouge*
- incipient or impending skid mark*
- induced damage*
- intermittent skid marks*
- offset mark*
- pre-existing damage*
- primary collision factor*
- runoff*
- scrape*
- scuff or yaw mark
(critical speed mark)*
- skid mark*
- skip skid mark*
- squeegee mark*
- surface marks*
- tire print*
- vehicle dynamics*

Document Measurements Taken at the Crash Scene

After examining the scene for evidence and identifying what is crucial to the investigation, the officer must document the evidence. The best way to preserve the location of evidence found at the crash scene is with a combination of photographs, measurements, and markings. The amount of marks or spots used at the scene will be determined by the amount and type of evidence.

Law enforcement agencies generally issue marking paints or lumber crayons for marking purposes. A simple paint dot to locate an item is sufficient. However, paint may be useless on unpaved or dirt roadways.

Prepare a Rough Field Sketch of the Crash Scene

The officer should record the locations and lengths of all skid marks on the scene using a field sketch.

A **field sketch** is a rough drawing, not to scale, of the scene as the officer perceives it. The sketch uses simple symbols to indicate the details of the crash and is part of the officer's field notes. Use whatever symbols you choose, but use them consistently. This sketch will provide information concerning the crash and help re-create the crash scene diagram at a later time. The amount of detail on the field sketch is dependent on the seriousness of the crash, the amount of evidence, or the information that has been collected.

The sketch should include only significant factual and observable items. When drawing a field sketch, all relevant evidence and measurements should be clearly indicated in the sketch. The field sketch should be consistent with the photographs, if taken.

Additional Crash Investigative Resources

If additional resources are needed, the officer should, according to agency policy, contact the appropriate entity, such as Traffic Homicide Investigative Unit, FHP Commercial Vehicle Enforcement, local or state traffic engineering, or crime scene investigators.

UNIT 2 | TRAFFIC CRASH MANAGEMENT

LESSON 5 | Managing Crashes with Special Circumstances

LESSON GOAL: At the end of this lesson, you should be able to manage and resolve issues pertaining to crashes with unique circumstances during crash investigations.

During a crash investigation, the officer may encounter special circumstances which require additional investigative actions beyond a civil crash investigation. The special circumstances may include crashes involving unattended vehicles, property damage, single vehicle crashes, hit-and-run, DUI, crash related criminal acts, serious bodily injuries, traffic fatalities, crash-related suicides, or non-traffic related fatalities.

Section 316.062(3), F.S., provides drivers with a legal *crash privilege* regarding information they give during a crash investigation. It stipulates the legal right of a driver to make a report or give full information regarding a crash to a law enforcement officer, which is required to complete a crash report without fear of self-incrimination. The mandatory reporting requires the admission of being the driver of a vehicle involved in a crash. This admission could otherwise be used against the driver if not for the crash privilege. The privilege applies to any crash from a simple fender-bender to one involving criminal conduct, such as driving with a suspended license, and is covered in s. 316.066(4), F.S.:

"Except as specified in this subsection, each crash report made by a person involved in a crash and any statement made by such person to a law enforcement officer for the purpose of completing a crash report required by this section shall be without prejudice to the individual so reporting. Such report or statement may not be used as evidence in any trial, civil or criminal."

However, subject to the applicable rules of evidence, a law enforcement officer at a criminal trial may testify as to any statement made to the officer by the person involved in the crash if that person's privilege against self-incrimination is not violated. The results of breath, urine, and blood tests administered as provided in ss. 316.1932 or 316.1933, F.S., are not confidential and are admissible into evidence in accordance with the provisions of s. 316.1934(2), F.S."

Officers cannot use the driver's admission of driving one of the vehicles involved in the crash in a criminal case, unless there is other evidence that places the driver behind the wheel. The prosecutor must be able to prove the following to obtain a conviction:

- a crime was committed
- the defendant committed the crime

This is referred to as the *corpus delicti* of the offense.

OBJECTIVES

LE079.35. Notify the owner of an unattended vehicle regarding any damage during a crash investigation.

LE079.36. Notify the owner about damaged property during a crash investigation.

LE079.37. Explain how to determine the actual driver behind the wheel in a crash involving a single vehicle during a crash investigation.

LE079.38. Explain how to effectively investigate a crash involving fatal or serious bodily injury in accordance with state statutes and agency policy and procedures during a crash investigation.

LE079.39. Explain how to effectively investigate a driver-impaired related crash in accordance with state statutes and agency policy and procedures during a crash investigation.

LE724.1. Identify the reason for the invocation of the "changing of the hats" rule during a crash investigation and prior to criminal investigation.

LE724.2. Contact the dispatch to issue a BOLO for the apprehension of a hit and run driver involved in a crash during a crash investigation.

Changing of the Hats Rule

The officer must separate the crash investigation from the criminal investigation by specifically telling the suspect driver the civil crash investigation is complete and a criminal investigation is beginning. This **changing of the hats**, or going from a crash investigation to a criminal investigation, means the crash privilege no longer applies. Any information the driver provides during the criminal investigation section may be used in court against him or her. This means the driver is not free to leave; therefore, the officer must read the *Miranda* warning to him or her. Any questions asked prior to reading the *Miranda* warning must be asked again post-*Miranda* for the answer to be used as evidence of criminal activity. It must be noted that the changing of the hats rule does not apply only to DUI offenses but also to any crime revealed during a crash investigation.

Crash Involving Unattended Vehicle or Property

If the owner of an unattended or parked damaged vehicle cannot be located at the scene, dispatch should be able to identify the registered owner via criminal justice databases. Once the owner's information is located, he or she should be contacted and notified of the damage.

If property other than a vehicle is damaged in a crash, such as a structure, billboard, or mailbox, notify the owner of the damaged property as soon as possible. If the owner's identity is unknown, nearby neighbors may be able to provide contact information. If not, the officer should ask the dispatcher to identify the owner of the structure through property tax or utility records. If a security breach results from the crash, the owner should be advised to take action to safeguard the property. The officer may need to stay at the crash scene until the property is secured or until whatever parameters laid out in agency policy are satisfied.

Single Vehicle Crash

At times a traffic crash could involve a single vehicle. Usually, people are available at a crash scene to establish that a suspect driver was behind the wheel. These people are referred to as **wheel witnesses**. In a single car crash, such as one occurring late at night on a sparsely traveled road, there may be no wheel witness.

When the officer arrives, the driver may be out of the vehicle. Before a person can be successfully prosecuted for a criminal offense which resulted in a single-vehicle crash, the officer must search for evidence that places the driver behind the wheel at the time of the crash. If the vehicle involved in the crash was registered in the name of the person sitting outside the vehicle, with no one else around, and the person's injuries are consistent with the interior damage of the vehicle, these details may be sufficient to prove that the person was behind the wheel when the crash occurred. Some other evidence to deduce who was behind the wheel includes skin and blood found on deployed airbags, which can be used for DNA comparison, or fingerprints on the steering wheel.

A search of the interior of the vehicle is legal under the *Carroll Doctrine*, which permits the officer to search a vehicle if probable cause exists to believe the vehicle contains evidence of a crime. The officer is permitted by law to search any part of the vehicle which may reasonably contain evidence of the suspected crime for which an arrest may be made.

If a suspected driver is located away from the scene, several techniques can be used to help place the suspected driver behind the wheel. Examples include: the use of a scent discriminate canine to track from the driver's seat to a potential suspect or comparing injuries consistent with evidence found in the vehicle such as bruising from air bag or seatbelt. If the suspect admits after being *Mirandized* to driving the vehicle, this admission can be used in court to establish the *corpus delicti*.

Hit and Run Crash

If one of the vehicles involved in a crash has left the scene, the crash may be categorized as a *hit-and-run* criminal act. The officer should ask witnesses for a description of the fleeing vehicle, the driver, or both. The officer should then contact dispatch to send out a BOLO alert. Note, however, that the identification of a crime during a crash investigation is not limited only to hit and run crashes but also all crashes.

Crash Involving Fatal or Serious Bodily Injury

If a crash results in life-threatening injuries or the death of a person, the vehicles involved and deceased people are considered evidence and must not be moved from their final resting places. The officer must protect the scene and notify the supervisor and request a traffic homicide investigator. In addition to traffic homicide investigators, some agencies have specialized officers for working with DUI drivers. The decision to use these officers may be dictated by departmental policy or by their availability.

Florida Statutes requires a driver of a motor vehicle in a traffic crash involving the death of a person (s. 316.027, F.S.), personal injuries, or damage to a vehicle or property (s. 316.061, F.S.) to stop immediately at the scene (or as close thereto as possible). The driver must remain at the scene of the crash until the requirements of s. 316.062 F.S., are fulfilled. A person who is arrested for fleeing the scene of a traffic crash and who has previously been convicted of a violation of ss. 316.027, 316.061, 316.191, or 316.193, F.S., or a felony violation of s. 322.34, F.S., shall be held in custody until brought before the court for admittance to bail in accordance with chapter 903 of the Florida Statutes. Any person who willfully violates this paragraph commits a felony of the second degree, punishable as provided in ss. 775.082, 775.083, or 775.084, F.S.

Sometimes, when the crash involves a death, the death may not be crash induced. These situations can be difficult to determine during the initial investigation. All crashes involving deaths should be investigated in the same manner until evidence that the crash was caused by an intentional act or a significant medical event is discovered. An example of an intentional act could be suicide or vehicular homicide. In this case, the investigation is beyond a crash investigation and should be handled according to agency policy. If it was a significant medical event which preceded and contributed to the crash, it will be treated as a traffic crash until the medical examiner gives a cause of death as not related to the crash; then it becomes a non-traffic fatality.

Driver Impairment as the Cause of the Crash

The officer must be alert to evidence and indicators of driver impairment from drugs, alcohol, drowsiness, health problems such as diabetes, or other distractions like texting (s. 316.305(3)(a), F.S.) which may contribute to a crash. It is necessary to be familiar with and follow statutes and agency policies and procedures when investigating such impairments. If a mental or physical condition impairs a driver's ability to operate a vehicle, the officer must correctly document this condition in the crash report. Such a driver must not be allowed to operate a vehicle; rather, the officer must make appropriate arrangements for both the driver and the vehicle.

SECTION VOCABULARY*changing of the hats**crash privilege**wheel witness***DUI Crash Related Investigation**

If the crash investigation reveals the driver is suspected of being under the influence, the officer will stop the crash investigation and change hats to a criminal investigation for DUI. The steps taken to administer the SFSTs and establish a DUI charge or arrest are covered in Chapter 11. The steps are the same regardless of how contact was made with the suspected DUI driver.

A suspected DUI driver does NOT have to be under arrest to be required to submit to a blood draw. At a crash where there is serious bodily injury or death, s. 316.1933(1)(a), F.S., provides reasonable force may be used to take a blood sample from a driver involved in such a serious crash. There is NO right of refusal or implied consent issue in crashes resulting in a serious bodily injury or death of another driver, passenger, non-motorist, or pedestrian.

However, if no physical arrest is made, a blood sample obtained legally can be drawn for laboratory testing. Physically arresting a driver for DUI after drawing blood can only be made on receipt of the blood test results showing an unlawful blood-alcohol level.

UNIT 2 | TRAFFIC CRASH MANAGEMENT

LESSON 6 | Returning the Crash Scene to Normal and Taking Appropriate Enforcement Action

LESSON GOAL: At the end of this lesson, you should be able to safely return a crash scene to normal and take appropriate enforcement action during a crash investigation.

Step 7: Return the Scene to Normal as Quickly as Possible

Clear the Scene

An officer's responsibility in investigating a crash includes the removal of debris and hazards from the roadway. Returning the scene to normal may be as simple as moving the vehicles off the roadway. Sections 316.027(3) and 316.061(2), F.S., require drivers of operable crash vehicles to move their vehicles off the roadway.

Requesting a tow truck for immobile vehicles and/or redirecting traffic around the crash along an alternate route are other options. Section 316.2044(2), F.S., provides that if car debris results from a crash and a wrecker's services are needed, the wrecker should remove both vehicles and the accompanying car debris from the roadway.

If part of the crash assistance involves a hazardous materials incident, the HAZMAT team should be called in. If hazardous material is not involved, the services of a cleanup team may be required. Officers should consult their individual agency policies regarding how to obtain these services.

Before leaving the scene, the officer should ensure all equipment (e.g., tape measure, blanket, flashlight, cones, barricades, and identifying markers) has been returned to the patrol vehicle. The officer must then verify the roadway is safe for normal traffic flow.

Step 8: Complete Driver Exchange of Information

A driver's exchange of information form must be completed at all crashes. This exchange can be done by the operators or by the officer. There are different acceptable versions, so the officer should follow agency policy on which version of the form to use.

The officer should explain to the drivers involved in a crash that it is required by state law for them to complete the driver exchange information form and then exchange the completed forms with each other in compliance with s. 316.070, F.S. The officer should explain to the drivers how to complete the form, including what fields to complete,

OBJECTIVES

LE008.1. Explain the use of the exchange of information form to the drivers involved during a crash investigation.

LE008.2. Explain the statutory requirements for the exchange of driver information during a crash investigation.

LE079.40. Remove all vehicles involved in a crash safely from the roadway in accordance with the Florida Statutes during a crash investigation.

LE079.41. Remove all debris or hazards at a crash scene or roadway safely in accordance with the Florida Statutes and agency policy and procedures during a crash investigation.

LE079.42. Remove all temporary equipment and traffic warning devices safely from the crash scene at the end of a crash scene investigation.

LE079.43. List the common types of violations applicable to crashes in accordance with the Florida Statutes during a crash investigation.

LE079.44. List the common types of citations applicable to crashes in accordance with the Florida Statutes during a crash investigation.

LE079.45. Remain at the crash scene until all safety and security risks are resolved in accordance with agency policy and procedures.

where to sign the form and to print legibly using a black ballpoint pen. Each driver should sign and date the completed form. An officer may sometimes come across a driver who cannot adequately read or complete the form due to language or physical limitations.

A best practice concerning the completion of the driver's exchange form is for the officer to gather the required information and complete the form for the driver. This helps to ensure that the information provided is valid and accurate. Officers should follow their agency policies in this matter.

Requirements for Drivers' Exchange of Information

Exchanging driver information is important, not only because the law requires it, but because it also serves the purpose of providing insurance companies with the necessary information to process claims for damage.

Section 316.062, F.S., provides what information must be exchanged. The driver of the vehicle must give his or her name, address, and the registration number of the vehicle he or she is driving, and his or her driver's license or permit to any person injured at the crash or to a police officer. If an officer is not present, the driver is obligated to provide this information to the nearest police authority. Failure to provide the required information violates s. 316.062, F.S.

Step 9: Take Enforcement Action

Take Enforcement Action

After you conclude the crash investigation, take enforcement action. In part, s. 316.640, F.S., states:

“...Any such traffic crash investigation officer who makes an investigation at the scene of a traffic crash is authorized to issue traffic citations when, based upon personal investigation, he or she has reasonable and probable grounds to believe that a person involved in the crash has committed an offense under the provisions of this chapter, chapter 319, chapter 320, or chapter 322 in connection with the crash...”

Once the officer determines how and why a crash occurred, violations should be identified and citations issued accordingly. Specific agency policy should be consulted regarding this requirement.

Three types of traffic violations usually associated with crash situations are:

Contributing traffic violation is a direct cause or contribution to the crash itself, such as a vehicle running a red light and striking another vehicle.

Non-contributing traffic violation has no direct bearing on the cause of the crash, but is discovered during the crash investigation. Examples include expired tag or seat belt violations.

Non-traffic violation is generally a criminal offense discovered during the crash investigation. An example would be a quantity of cocaine discovered by an officer while inventorying one of the wrecked vehicles.

Traffic violation enforcement officers should consider when determining the contributing causes of a crash to include: driving too fast for road conditions, failing to yield the right-of-way, failing to keep a safe distance, driving left of center, making an improper turn, overtaking improperly, driving with improper lights or defective braking or steering, violation of a traffic control device, careless driving, and driving under the influence of drugs or alcohol etc.

In most traffic crashes, at least one driver committed one or more contributing traffic violations. Surprisingly, only a few crashes are caused by vehicle defects; most are the result of driver error. In such cases, the officer may complete a Uniform Traffic Citation (UTC) for each violation at the end of the investigation, along with the traffic crash report. In a two-car crash, both drivers may have committed violations and should be cited accordingly.

The officer should identify the specific violations and note the relevant statute on the UTC. In addition to uncovering the primary violation, the officer is responsible for detecting other committed violations and taking the appropriate enforcement action.

The officer must certify that a UTC was delivered to the person cited when the violator's signature is not required. Section 318.14(2), F.S., states:

"Except as provided in s. 316.1001(2) and s. 316.0083, any person cited for a violation requiring a mandatory hearing listed in s. 318.19 or any other criminal traffic violation listed in chapter 316 must sign and accept a citation indicating a promise to appear. The officer may indicate on the traffic citation the time and location of the scheduled hearing and must indicate the applicable civil penalty established in s. 318.18. For all other infractions under this section, except for infractions listed under s. 316.001, the officer must certify by electronic, electronic facsimile, or written signature that the citation was delivered to the person cited. This citation is *prima facie* evidence that the person cited was served with the citation."

A violator must sign a traffic citation only when the citation is issued for a criminal traffic violation or when a traffic violation requires a mandatory hearing. Some violations requiring mandatory hearings are:

- a violation resulting in a crash which causes the death of another
- a violation resulting in a crash which causes serious bodily injury of another

If a driver does not have a valid driver's license, the officer should cite him or her for a violation of s. 322.03(1), F.S. Pursuant to s. 322.03, F.S., a person may not drive any motor vehicle upon a highway in this state unless such person has a valid driver's license.

Section 322.15, F.S., requires every licensee, when driving a motor vehicle, to carry his or her license and exhibit it upon the demand of a law enforcement officer. An identification card issued by the Department of Highway Safety and Motor Vehicles is NOT a driver's license, but is only a form of identification provided by the DHSMV as a service to non-drivers who require photo identification. Because it resembles a driver's license, some may confuse it for one.

316.183(1)	Driving Too Fast for Conditions
316.121	Violation of Right of Way
316.0895	Following too Closely
316.081(3)	Driving Left of Center
316.1515	Improper U Turn
316.083	Improper Passing
316.610	Defective Equipment
316.074	Violation of a Traffic Control Device
316.075(1)c(1)	Ran Red Light
316.123(2a)	Ran Stop Sign
316.1925(1)	Careless Driving

Common violations associated with traffic crashes

Figure 12-8

SECTION VOCABULARY*contributing traffic violation**non-contributing traffic violation**non-traffic violation*

If a driver cannot produce a valid driver's license on demand, the officer should request another form of photographic identification, military identification, or reliable personal confirmation and imprint the driver's fingerprint on the citation issued for the violation. The officer cannot allow an individual to operate a motor vehicle if he or she does not have a valid driver's license. If a driver is licensed, but does not have the license in his or her possession, the officer should issue a citation for failure to carry and exhibit the license upon demand in violation of s. 322.15, F.S.

322.15(1)	Failure to Exhibit Driver's License upon demand
322.03(1)	No Valid Driver's License
322.34(1)	Driving with Suspended License – Without Knowledge
322.34(2)	Driving with Suspended License – With Knowledge

Common violations associated with traffic crashes

Figure 12-9

Before leaving the scene, you must ensure you have taken all necessary enforcement actions such as issue of all appropriate citations, verify all forms have been completed and copies distributed to the appropriate individuals, and all personal documents (e.g., driver license, vehicle registration, and proof of insurance) returned to their owners.

However, if safety or security risk still remains or an arrest is made, you must stay at the crash scene until the danger is removed or other security arrangements are made.

UNIT 2 | TRAFFIC CRASH MANAGEMENT

LESSON 7 | Completing a Crash Report

LESSON GOAL: At the end of this lesson, you should be able to properly document a crash using the appropriate HSMV forms during a crash investigation.

Prior to completing the appropriate crash report form, assemble all pertinent information which will include the following:

- validated identification information of the involved drivers
- verified information of the vehicle registration/license plate number
- verified proof of insurance
- physical conditions and evidence collected regarding the crash
- responses from the drivers, passengers, witnesses, and non-motorists during interviews

Step 10: Document the Crash *Traffic Crash Report Forms*

The officer needs to document the findings of the crash on a traffic crash report form. The ***Florida Traffic Crash Reports*** are used to report traffic crashes to the Department of Highway Safety and Motor Vehicles. They include DHSMV's Form 90010S—Long, Short, or Update Form and DHSMV Form 90011S—Driver Report of Traffic Crash (Self Report) or Driver Exchange of Information Form.

HSMV 90010S—Long, Short, and Update Form

Long Form (HSMV 90010S) includes a narrative, diagram, and any other necessary update reports. When using the HSMV 90010S as the Long Form, the reporting officer should check the box marked "Long Form" in the upper left corner and fill out the entire form.

You must complete a Florida Traffic Crash Report Long Form (HSMV90010S) and submit it to the DHSMV within ten days after completing an investigation; this lets you comply with s. 316.066(1)(a), F.S. This law applies to any law enforcement officer who has a duty to investigate traffic crashes which resulted in death, personal injury, or complaints of pain by any passenger involved in the crash. Also, this law applies to crashes which violate s. 316.061 (1) or s. 316.193, F.S., rendering a vehicle inoperable to a degree it required a wrecker to remove it from the scene of the crash, or involved a commercial motor vehicle.

The DHSMV is the official records custodian for completed Long Form crash reports and is responsible for all applicable records retention requirements.

OBJECTIVES

LE082.1. List the common traffic crash report forms used in Florida to document crashes during a crash investigation.

LE082.2. Explain the principal elements of the Traffic Crash Report Forms used in Florida to document crashes during a crash investigation.

LE012.1. Determine the Florida Statutes requirement for recommending a driver re-examination or medical review based on interview and assessment.

LE012.2. Identify the Florida Statutes requirement for reporting an individual's inability to drive a motor vehicle.

LE012.3. Complete the appropriate forms for submission to DHSMV suggesting the need for a driver re-examination or medical review according to agency policy and procedure.

LE082.3. Describe fully and accurately how to complete a ***HSMV 90010S—Long, Short, and Update Traffic Crash Report Form*** using the standardized HSMV Instructions Manual for Completing the Florida Uniform Traffic Crash Report Forms during a crash investigation.

LE082.4. Describe fully and accurately how to complete a HSMV 90011S—Driver Report of Traffic Crash (Self Report) or Driver Exchange of Information Form using the standardized *HSMV Instructions Manual for Completing the Florida Uniform Traffic Crash Report Forms* during a crash investigation.

LE082.5. List the common errors usually made when completing crash report forms during a crash investigation.

HSMV 90010S—Short form

Short Form Report (HSMV 90010S) is used to report other types of traffic crashes not requiring the use of the Long Form. When the HSMV 90010S form is used as a Short Form report, the reporting officer should check the box marked “Short Form” in the upper left corner and fill out only the shaded areas. Note: Short Form Reports, though not requiring a diagram or narrative, may be submitted with either or both. Short Form Reports are no longer limited to just the shaded areas.

Section 316.066(1)(f), F.S., requires that all completed Long and Short Form crash reports prepared by any law enforcement officer **must** be submitted to the DHSMV and may be maintained by the officer’s agency. Law enforcement agencies who submit crash reports electronically shall continue to transmit completed Short Form crash reports to the DHSMV.

HSMV 90010S—Update form

Update Form Report (HSMV 90010S) is used to update, upgrade, or continue information previously recorded on a Florida Traffic Crash Report form (HSMV 90010S). When the HSMV 90010S form is used as an Update Form report, the reporting officer should check the box marked “Update Form” in the upper left corner and fill out only the appropriate updates, upgrades, or continuation information. The update, upgrade, or continuation information must be entered in the appropriate fields in the form. All open investigations must be updated every 30 days until the investigation is closed.

Use the form as a continuation report, that is, when additional space is needed to complete or update the original traffic crash report. The form contains additional sections for vehicles, witnesses, passengers, non-motorists, additional property damage, additional violations, and the traffic crash narrative. Examples of new or updated information may include blood-alcohol content (BAC) results, insurance information, any injury status change or hit and run follow-up information and corrections to the original report after it was submitted to the DHSMV.

Because the HSMV 90010S form allows for multiple uses, it may initially be confusing to determine when to complete a Long, Short, or Update Form. In all situations, you will complete the appropriate sections of the form based on the statutory requirements.

The DHSMV creates and publishes the Florida Traffic Crash Report forms. Always use the most current version. The instructions for completing the forms can be found in the DHSMV Manual, *Instructions for Completing the Florida Uniform Traffic Crash Report Forms*. These forms and their instruction manuals are available from the Department of Highway Safety and Motor Vehicles website at <http://www.flhsmv.gov/courts>. Samples of the forms can be printed from the DHSMV website or ordered directly from DHSMV. An officer should review the statutes sections referenced within the manuals.

When an officer is required to complete a written crash report based on statute or agency policy, the drivers must provide the information necessary to complete the driver's information portion of the report form. The reporting officer completes the law enforcement Short Form report and gives each driver a copy of the report. If the Long Form report must also be completed, the officer should explain to the drivers to obtain a copy of the completed report by contacting the officer's agency.

Required Entries for Long and Short Form Reports

Traffic crash report forms should be completed using the applicable DHSMV report completion manual.

The Florida Traffic Crash Report Long form entries as specified in s. 316.066(1)(b), F.S., must include the following:

- the date, time, and location of the crash
- the description of the vehicles involved
- the names and address of the parties involved, including all drivers and passengers, and the identification of the vehicle in which each was a driver or passenger
- the names and addresses of all witnesses
- the name, badge number, and the agency of the officer investigating the crash
- the names of the insurance companies for the respective parties involved in the crash

When completing the HSMV 90010S as a Long Form report, fill out all fields on the HSMV 90010S with the required information. Most of the values needed to complete the event section of this form are displayed next to the data fields. The remaining data fields are completed based upon the information requested at the top of each category. If not applicable, leave blank.

There are spaces on the front page of the HSMV 90010S to record the witnesses to a crash and their addresses. If more than two witnesses are present, record the additional names on the narrative or diagram sections.

When the HSMV 90010S form is used as a Short Form report, additional data beyond the mandated shaded areas may be entered by the officer if required by the reporting officer's agency.

Once the form is completed, the report is separated and a copy is given to each driver for insurance purposes. The report, if completed electronically, should be sent to the DHSMV after the investigating officer's agency review and approval and also may be retained by the agency. As stated earlier, law enforcement agencies must submit their Short Crash Report Forms (just as they do the Long Crash Report Forms) to the DHSMV.

If a citation is written, fill out the report completely in case you have to give a deposition or testify in court.

Officers should refer to the *Instructions for Completing the Florida Uniform Traffic Crash Report Forms* to identify additional required information. The officer must number the pages starting with the front of the Long Form, HSMV 90010S, "page 1 of ____". The forms are then placed in numerical order and the number of pages counted. The page numbering for the Update Report continues from the initial report. For example, if the initial report was six pages long, the Update Report begins with page seven. Each page of the report is numbered in the spaces provided on the form.

The Florida Uniform Traffic Crash Report Form: Narrative Section

The narrative section of the HSMV 90010S form must be completed to go with the Long Form report. However, the diagram and narrative sections are not mandatory with Traffic Crash Report Short Form submissions.

The narrative section should include a description of all key events in the crash including the pre-collision, at-collision, and post-collision phases. If the officer determines a driver re-examination should be conducted, the narrative should, in a separate stand-alone paragraph, include the explanation for why this request should be accepted. Spaces are also provided for recording injury treatment information, investigation information, and the reporting officer's and agency's identifications.

The section below the narrative is used to record information about any additional passengers involved in the crash. If there are no additional passengers, a diagonal line is drawn through the section. Space is also provided for additional violations/citations to be recorded. If there are no additional citations, you should leave each box not used blank.

The officer may include in the narrative section the measurements of skid mark length and roadway dimensions as well as where any ejected people or non-motorists came to final rest to include the distance to this point if made and included in the officer's field sketch.

Driver Retesting

Sometimes, an officer will question the driving ability of any driver who caused or contributed to the crash. You should request a mandatory retesting of the licensed drivers by checking the "Recommend Driver Re-exam" block in the driver's section. By explaining your concerns in the narrative section, and signing the traffic crash report, you share these concerns about the driver(s) with the DHSMV; then forward the crash report to the DHSMV for re-examination process.

A new feature in the Driver and Vehicle Information Database (DAVID) allows officers to easily request a driver license re-examination or medical review for a specific driver based on interview and assessment.

This feature is accessed by clicking on the Report Driver for Medical Review or Re-exam button from the Individual Summary page. This action will pre-populate the driver's personal information on the form. The officer will then verify the information, select the reason for this request, provide a short narrative explaining the reason for the retest, and confirm his or her contact information to enable DHSMV to undertake the retesting.

In such a situation, you should check the statute regarding the re-examination of licensed drivers in the statute book and read the actual provisions of the law. It can be found in s. 322.221(1), F.S. This section describes how the crash report information gives the DHSMV the authority to require a re-examination of a driver.

Medical Reporting of Driver Disability to Drive

Any physician, person, or agency having knowledge of any licensed driver's or applicant's mental or physical disability to drive is authorized to report such knowledge using an online form to the Department of Highway Safety and Motor Vehicles, as found in s. 322.126(2), F.S. The form is available at the Department of

Highway Safety and Motor Vehicles website: <http://www.hsmv.state.fl.us/html/forms.html>. The form should be completed and forwarded to DHSMV along with the crash report.

The Florida Uniform Traffic Crash Report Form: Diagram Section

The final step in documenting the traffic crash investigation is the completion of the crash diagram. Use the diagram section to effectively represent how the traffic crash occurred. The diagram should accurately show the vehicle positions after the crash and reflect the information contained in the narrative section. Carefully prepare a proportional drawing of the field sketch and notes using a traffic crash template. Vehicle sizes should adequately conform to roadway sizes. The final diagram should be professionally prepared in ink with all appropriate entries, measurements, and a legend of symbols. The diagram is the finished product showing what occurred during the crash and should include all the information necessary. It should be able to stand alone and give an accurate picture of what occurred and should match the description in the narrative section.

All drawings should include the compass direction for north. The preferred method is to use the top right of the page for north; the diagram page of the uniform crash report provides a circle in the upper right-hand corner of the diagram for this notation.

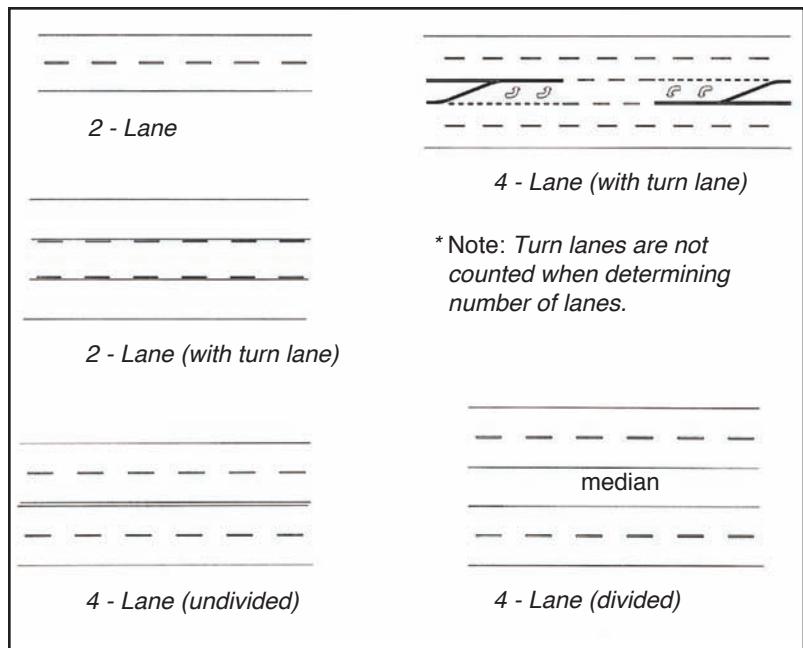
At a minimum, document the following information in the diagram:

- Location of traffic crash (road names)
- Roadway width of each lane and roadway markings
- North directional arrow being placed upward or to the right when looking at the page
- Any physical evidence on the roadway (skid marks, ruts, holes, standing water, etc.)
- Each vehicle's position pre-collision, at-collision, and post-collision, which would include where the vehicle was located at final rest upon your arrival on the scene even if the vehicle was moved

You also may want to include the measurements of skid mark length and roadway dimensions in the diagram section. If any people were ejected out of the car, or if any pedestrians were hurt, mark down where they came to final rest, including the distance they traveled. Be sure to include this information in the field sketch.

The Traffic Crash Template was designed specifically for law enforcement to make diagramming crash and incident scenes easier and more accurate. It is the primary tool for completing a professional-looking crash diagram by hand, and can be used when making a field sketch. The template provides a number of scales of measure, angles, curves, straight edges, and cut-outs to aid in the diagramming of the scene.

Every diagram uses symbols for the crash scene. The cut-outs on the template are designed to make the symbols easy and quick to draw. The most common symbols used are cars, trucks, trailers, motorcycles, pedestrians, signs, traffic signals and lights, buildings, camera directions, and directional arrows. The crash scene should be diagrammed using the ***bird's eye view***—that is, depicting a scene as if looking down from an altitude or distance, just as when sketching a crime scene. Only relevant items should be included so the diagram will not be cluttered and be easier to read.



Counting number of lanes

Figure 12-10

damage to the vehicles or to property, draw the vehicle damage, debris, or other details freehand. The suggested symbols for freehand drawings provided with the template may be used for these entries on the diagram.

HSMV 90011S—Driver Report of Traffic Crash (Self Report) or Driver Exchange of Information Form

If a Long or Short Traffic Crash Report Form (HSMV 90010S) is not required for the crash, a Driver Exchange of Information/Optional Short Report Form (HSMV 90011S) is to be completed by all parties involved in the crash.

HSMV 90011S may be used as a Driver Report of Traffic Crash (Self Report) or Driver Exchange of Information form between the parties. The officer should place an "X" in the box at the top to identify the type of report.

Section 316.066(1)(e), F.S., requires the driver, who was in any manner involved in a crash resulting in damage to a vehicle or other property which does not require a law enforcement report, shall, within 10 days after the crash, submit a written report of the crash to the department, unless the investigating officer has made a written report of the crash. The on-scene officer should explain the use, purpose, and requirements for the exchange of information to the vehicle operators.

Locate the center of the diagram form to be the approximate center of the AOC. You should then draw the roadway. The template has a straight edge to draw lines. The roadway involved in the crash should be depicted by diagramming all lanes, labeling turn lanes, bike lanes, and the median. Insert the vehicles, pedestrians, and any other pertinent information as needed. Remember, you have to include the vehicles' positions: pre-collision, at-collision, post-collision, and final rest in the diagram. See Figure 12-10.

Each vehicle will have a directional arrow to indicate the front of the vehicle and the direction of travel. The vehicle will also have a number in a circle which correlates to the assigned vehicle number in the report. To show the directional movement of the vehicles prior to the crash, you can draw solid directional arrows behind the vehicles to demonstrate where the vehicles came from to the AOC. To draw the vehicle movement after impact to place of final rest, use a directional arrow with dashes for the line.

The remaining entries are the labels for the roadway names, the directional arrow, and "Not to Scale". There is a symbol on the template for the directional arrow. If a crash has debris or there is extensive

Section 316.066(1)(c), F.S., requires that for any crash which occurs on the public roadways of the state and for which a Florida Long Form Crash report is not required to be completed, the law enforcement officer shall complete a Short Form crash report or provide a Driver Exchange-of-Information Form for completion by the drivers and passengers involved in the crash. The statute also requires the identification of each vehicle in which the drivers and passengers were riding.

SECTION VOCABULARY

bird's eye view

Florida Traffic Crash Report Form

Common Errors Made when Completing Crash Report Forms

Reports are fairly easy to complete, but errors do sometimes occur. Some of the most common errors occurring when completing crash report forms include:

- incorrectly entering the number for the appropriate sex identifier
- failure to enter the appropriate identifier number for the cause of the crash
- not checking the appropriate box of form being completed
- using an incorrect date between crash date and date of report when there is a difference between the two
- using military time as opposed to the 12-hour clock system
- not putting the HSMV Crash Report Number in the proper box or narrative/diagram page
- incorrectly listing the location for the crash
- incorrectly counting the number of road lanes. Note that only “travel lanes” are counted; turn lanes do not apply

You must enter the correct required endorsement for the vehicle being operated by the driver. Never leave test results for blood-alcohol content (BAC) blank. If test results for BAC are not known at the time the report is completed, enter “pending.” Failing to update BAC testing information when results become known is a serious error.

For the crash investigator, there are many overlapping and pressing responsibilities at a crash scene. Officers are responsible for securing the scene, tending to injured people, maintaining traffic flow, investigating the crash according to the state law, returning the scene to normal, taking appropriate enforcement action, and completing the crash report. With time, you will gain the experience and professional skills required for efficient and thorough investigation of a traffic crash.

GLOSSARY

A

abandoned vehicle: a vehicle without a driver or person responsible for the vehicle (Calls for Service)

ABS (anti-lock braking system) scuff marks: the pattern left by a vehicle with anti-lock brakes that results from hard braking (Traffic Crash Investigations)

absorption: the process by which alcohol enters the bloodstream (DUI Traffic Stops)

abuse of a disabled adult or elderly person: any willful or threatened act by a caregiver that significantly impairs or is likely to impair a vulnerable adult's physical, mental, or emotional health significantly (Criminal Investigations)

acceleration scuff marks: dark marks, resulting from rapid acceleration, that gradually fade (Traffic Crash Investigations)

accessory: a person who aids or contributes in committing or concealing a crime (Legal)

accessory after the fact: an offense in which a person maintains or assists an offender and while giving assistance knows that the offender committed the felony, and assists with the intent of helping the offender avoid or escape detection, arrest, trial, or punishment. Section 777.03, F.S. (Legal)

acting within the scope of employment: the reasonable and foreseeable activities that an employee does while carrying out the employer's business (Legal)

active listening: to repeat what the individual has heard by restating or paraphrasing the speaker's words (Interactions in a Diverse Community)

active shooter: one or more individuals participating in a random or systematic killing spree demonstrating their intent to harm others with a firearm (Critical Incidents)

actual physical control: being physically in, on, or around the vehicle and having the capability to operate the vehicle (DUI Traffic Stops)

acute stress: a type of stress that is short-lived and severe (Fundamentals of Patrol)

addiction: a physical and/or psychological dependence on a substance (Interactions in a Diverse Community)

administrative law: the body of law that allows for the creation of public regulatory agencies (Legal)

admissibility of evidence: the legal requirements that must be met before a jury is allowed to see or hear evidence (Legal)

admissible evidence: relevant evidence tending to prove or disprove a material fact, with numerous exceptions specified (Crime Scene to Courtroom)

affirmation: a solemn and formal declaration or assertion in place of an oath (Interviewing and Report Writing)

aggravated child abuse: a first-degree felony that occurs when a person either commits aggravated battery on a child; tortures, maliciously punishes, or cages a child; or knowingly or willfully abuses a child, and in so doing, causes great bodily harm, permanent disability, or permanent disfigurement to the child (Criminal Investigations)

algor mortis: the postmortem cooling of the body (Criminal Investigations)

alibi: a suspect or defendant's claim that he or she was not present when the alleged act was committed (Legal)

alphanumeric code: a system that combines letters and numbers that may include officer call signs or auto tags (Fundamentals of Patrol)

Americans with Disabilities Act (ADA): the federal civil rights law that prohibits discrimination against people with disabilities and requires public buildings and spaces to have equal opportunity for access (Interactions in a Diverse Community)

anthrax: a naturally occurring bacterium which when inhaled causes a very high mortality rate for its victims; when exposure occurs through the skin, victims have a high rate of survival (Critical Incidents)

area of collision (AOC): the location of the first harmful event, or the first damage-producing event in a traffic crash (Traffic Crash Investigations)

arrest: to deprive a person of his or her liberty by legal authority (Legal)

arrest warrant: a court order authorizing law enforcement to take the individual named on the warrant into custody to answer for charges specified in the warrant (Legal)

associate: an individual who is not officially a gang member but is accepted to some degree and participates on a limited basis in the gang's social and criminal activities (Interaction in a Diverse Community)

assumption: a notion, statement, or belief about a person, group, or event that may or may not be factual (Introduction to Law Enforcement)

at-collision phase: the initial impact or contact of the vehicle against another vehicle or other object in a traffic crash (Traffic Crash Investigations)

attempt: an offense when a person did some act toward committing a crime that went beyond thinking or talking about it, or would have committed the crime except that the person failed or that someone or something prevented the person from committing it (Legal)

authorization: empowerment, permission, or competence to act (Criminal Investigations)

autism spectrum disorder: a type of pervasive developmental disorder that is diagnosed in early childhood and continues throughout adulthood that is characterized by language and social development delay and self-regulating behaviors (Interactions in a Diverse Community)

autonomous technology (s. 316.003(90), F.S.): technology installed on a motor vehicle that has the capability to drive the vehicle on which the technology is installed without the active control or monitoring by a human operator (Traffic Crash Investigations)

autonomous vehicle (s. 316.003(90), F.S.): any vehicle equipped with autonomous technology (Traffic Crash Investigations)

B

Baker Act: a law that provides persons with mental illness access to emergency services and temporary detention for psychiatric evaluation and voluntary or involuntary short-term community inpatient treatment (Interactions in a Diverse Community)

bias/prejudice: a strong belief or feeling about a person, group, or subject, whether positive or negative, that is formed without reviewing all available facts or information (Introduction to Law Enforcement)

bicycle path: any road, path, or way that is open to bicycle travel where the road, path, or way is physically separated from motorized vehicular traffic by an open space or by a barrier and is located either within the highway right-of-way or within an independent right-of-way (Traffic Crash Investigations)

beat-in: a type of gang initiation where multiple members of the gang batter the prospective member for a predetermined length of time (Interactions in a Diverse Community)

Bill of Rights: the first ten amendments to the U.S. Constitution (Legal)

bird's eye view: depiction of a scene as if looking down from an altitude or distance (Crime Scene to Courtroom) (Traffic Crash Investigations)

bless-in: due to a well-respected or high ranking family member, a prospective member is initiated into a gang (Interactions in a Diverse Community)

blindness: a functional loss of vision (Interactions in a Diverse Community)

blood alcohol concentration (BAC): the limit at which an individual is presumed impaired and cannot legally operate a vehicle; BAC is expressed in terms of grams of alcohol in every 100 milliliters (DUI Traffic Stops)

BOLO: an acronym that stands for Be On the Look Out. A BOLO is a description of the suspect, the suspect's name, and any additional information that would help apprehend the suspect (Legal)

botulinum toxin: an extremely toxic biological agent that can be introduced to the body through ingestion, inhalation, or absorption (Critical Incidents)

breach of duty: an unreasonable failure of the defendant to act in the duty he or she was obligated to perform (Legal)

breath alcohol concentration (BrAC): the limit at which an individual is presumed impaired and cannot legally operate a vehicle; BrAC is expressed as grams of alcohol per 210 liters of breath (DUI Traffic Stops)

bribery: to give, offer, or promise a benefit or gift to any public servant in order to influence the performance of any act or omission within the official discretion of that person. Section 838.015, F.S. (Introduction to Law Enforcement)

burglary tools: any tool, machine, or implement with the intent to use, or allow it to be used, to commit any burglary or trespass such as screwdrivers, pliers, wrenches, and pry bars (Criminal Investigations)

C

canvass: a door-to-door inquiry of all possible sources of information for a given area (Crime Scene to Courtroom)

capias: a legal order for an arrest issued by the clerk of the courts at the request of the state attorney's office (Calls for Service)

caregiver: a person, such as a parent, relative, court-appointed guardian or voluntary guardian, adult household member, neighbor, health care provider, or employee or volunteer of facilities, who has been entrusted with or has assumed responsibility for the care or the property of a child, disabled adult, or elderly person (Criminal Investigations)

Carroll doctrine: the principle that an officer may search a vehicle or other mobile conveyance without a warrant if there is probable cause to believe that the vehicle contains contraband or evidence of criminal activity (Legal)

case law: the body of law that is formed by the decisions of the court system (Legal)

CBRNE: an acronym that stands for Chemical Biological Radiological Nuclear Explosives and that is used to identify types of hazards associated with an accidental release or intentional use of a weapon of mass destruction (Critical Incidents)

certified: sworn, as in a certified police officer (Introduction to Law Enforcement)

chain of command: the order of authority within an organization (Introduction to Law Enforcement)

chain of custody: the documentation of who came into contact with the evidence, as well as when, why, and what changes, if any, were made to the evidence (Crime Scene to Courtroom)

changing of the hats: going from a crash investigation to a criminal investigation (Traffic Crash Investigations)

chemical suicide: a method of committing suicide by mixing two or more easily acquired chemicals, commonly an acid and a base; also known as "detergent suicide" (Critical Incidents)

child abuse: the intentional infliction of physical or mental injury upon a child (Legal)

child, juvenile, or youth: any unmarried person under the age of 18 who has not been emancipated by order of the court and who has been found or alleged to be dependent, in need of services, or from a family in need of services; or any married or unmarried person who is charged with a violation of law occurring prior to the time that person reached the age of 18 years. Section 985.03(6), F.S. (Legal)

child neglect: occurs when a caregiver fails or omits to provide a child with the care, supervision, and services necessary to maintain the child's physical and mental health (Criminal Investigations)

chronic stress: a type of stress that continues for a long period (Fundamentals of Patrol)

circumstantial or indirect evidence: evidence that requires an inference or presumption to establish a fact (Legal)

civil law: the area of law that pertains to the legal action that a person takes to resolve a private dispute with another person (Legal)

civil liability: responsibility for a wrongful act or an omission that injures a person or property (Legal)

civil rights violation: an unlawful interference with the fundamental rights of another person (Legal)

civil standby: maintaining the peace through officer presence while serving a judicial order or responding to a call for service (Calls for Service)

clue: something that leads to the solution of a problem, such as a fingerprint or DNA evidence; the behaviors observed during the performance of the Standardized Field Sobriety Tests (DUI Traffic Stops)

color of law: when an officer acts or purports to act in the performance of official duties under any law, ordinance, or regulation (Legal)

command presence: an officer's demeanor and confidence exhibited by personal appearance, erect posture, alertness, and attention to surroundings which is developed through training and self-confidence (Interactions in a Diverse Community)

communication: the exchange of messages, verbally and nonverbally, through signals or writing (Interactions in a Diverse Community)

community: the people and locations that make up the neighborhoods, institutions, and businesses in which an officer works (Interactions in a Diverse Community)

community control (house arrest): community supervision in which a person is closely monitored and is more restrictive than probation or parole (Introduction to Law Enforcement)

compensatory damages: court awards designed to compensate for the actual property damage, harm, or injury the plaintiff suffers (Legal)

complainant: the person who reports the crime or alleges that a crime has been committed (Interviewing and Report Writing)

concealment: an object or group of objects that creates a visual barrier between an officer and a threat but may not stop a projectile (Fundamentals of Patrol)

confidential informant: a person who provides information in confidence about a crime, either from a sense of civic duty or in the expectation of some personal benefit or advantage, and whose identity is normally not disclosed until required by law (Interviewing and Report Writing)

conflict of interest: the actions and situations that could conflict with official responsibilities (Introduction to Law Enforcement)

conflict resolution: the process of managing and resolving a dispute rationally and effectively by increased awareness and understanding of each party's concerns and how they can each reach an understanding (Interactions in a Diverse Community)

consensual encounter: when an officer comes into voluntary contact with a citizen under circumstances in which a reasonable person would feel free to disregard the police and go about his or her business (Legal)

consent: intelligent, knowing, and voluntary consent that does not induce coerced submission nor failure by the alleged victim to offer physical resistance; a legal defense that claims that the acts in question were committed with the victim's consent and permission (Legal)

conspiracy: a situation in which the offender agreed, conspired, combined, or confederated with the person(s) alleged to cause a crime to be committed. Section 777.04(3), F.S. (Legal)

constitutional law: the standards set forth in the Constitution and court decisions or interpretations of the Constitution handed down by U.S. District and Supreme Courts; identifies the powers and limitations of each branch of the U.S. government (Legal)

contact damage: any damage to a vehicle resulting from the direct pressure of any object in a collision or rollover (Traffic Crash Investigations)

contact officer: the primary officer on a call (Fundamentals of Patrol)

contraband: anything that is illegal to possess (Legal)

contributing traffic violation: the direct cause or contribution to a crash (Traffic Crash Investigations)

conveyance: a motor vehicle, vessel, ship, aircraft, railroad vehicle or car, trailer, aircraft, or sleeping car (Legal)

corpus delicti: a Latin term meaning the “body of the offense” which describes the principle that the officer must determine whether the elements of a criminal act are present and have probable cause to believe that the person to be charged committed the crime (Legal)

corrections: the part of the legal system responsible for enforcing punishments defined by the court system (Introduction to Law Enforcement)

court system: the part of the legal system responsible for the interpretation of laws (Introduction to Law Enforcement)

courtesy: behavior that involves showing consideration, respect, and cooperation when interacting with others (Interactions in a Diverse Community)

cover: anything that creates a bullet-resistant barrier between an officer and a threat (Fundamentals of Patrol)

cover officer: the backup officer who is strictly responsible for officer safety concerns at a scene (Fundamentals of Patrol)

crash privilege: the legal right of a driver to answer questions about a traffic crash and to give full information required to complete a crash investigation without fear of self-incrimination (Traffic Crash Investigations)

crime: an act that the law makes punishable (Legal)

criminal justice: the structures, functions, and decision-making processes of agencies that deal with the management and control of crime and criminal offenders (Introduction to Law Enforcement)

criminal law: the part of statutory law that defines unacceptable behaviors and government prosecution of those who commit them (Legal)

criminal liability: the liability incurred when an officer is found guilty of committing a crime and is sentenced to incarceration or other penalties (Legal)

criminal negligence: an act that imposes criminal liability and that occurs when a person did not intend for a behavior to cause the resulting harm (Legal)

criminal street gang: “a formal or informal ongoing organization, association, or group that has as one of its primary activities the commission of criminal or delinquent acts, and that consists of three or more persons who have a common name or common identifying signs, colors, or symbols and have two or more members who, individually or collectively, engage in or have engaged in a pattern of criminal street gang activity.” Section 874.03, F.S. (Interactions in a Diverse Community)

criminal street gang associate: a person who meets ONE of the criteria listed in s. 874.03 (3), F.S. (Interactions in a Diverse Community)

criminal street gang member: a person who meets TWO or more of the criteria listed in s. 874.03 (3), F.S. (Interactions in a Diverse Community)

crisis: a situation that is uncertain, difficult, or painful, especially when a person in crisis feels unprepared and pressured to take action or make a decision (Interactions in a Diverse Community)

crosswalk: (a) that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway, measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface (Traffic Crash Investigations)

cue: a reminder or prompting as a signal to do something, e.g., take enforcement action or observe the vehicle more closely (DUI Traffic Stops)

culpable negligence: consciously doing an act that the person knew or should have known was likely to cause death or great bodily injury (Legal)

cumulative stress: the stress that results from numerous sources over time; also known as routine stress (Fundamentals of Patrol)

curtilage: the enclosed space of ground and the outbuildings immediately surrounding a structure (Legal)

custody: the suspect is deprived of freedom in a significant way (Legal)

cyber-stalk: to communicate or cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication to a specific person, causing substantial emotional distress to that person and serving no legitimate purpose (Legal)

D

DDACTS: Data Driven Approaches to Crime and Traffic Safety is the integration of location-based crime and traffic crash data that determines the most effective methods for deploying law enforcement and other resources (Fundamentals of Patrol)

deadly force: any force that is likely to cause great bodily harm or death under s. 776.06, F.S. (Legal)

deafness: a hearing loss of such severity that the individual must rely primarily on visual tools such as writing, gestures, sign language, and lip-reading to communicate (Interactions in a Diverse Community)

debris: the loose material that is strewn about the area as the result of a traffic collision (Traffic Crash Investigations)

deep corners: corners that cannot be visually cleared from a doorway; must be checked first upon entry (Fundamentals of Patrol)

defense of property: a common legal term describing a person's authority to take reasonable steps, including the use of force (except deadly force) to the extent that a person reasonably believes that it is necessary to protect his or her possessions from trespass or theft or to terminate these acts (Legal)

delayed stress: any stress that lies buried for a period and then resurfaces (Fundamentals of Patrol)

delegation of authority: when a person with authority grants power to another person (Introduction to Law Enforcement)

delusion: a false belief that is held in spite of obvious proof or evidence to the contrary (Interactions in a Diverse Community)

dementia: an organic, progressive mental disorder characterized by a loss of memory, an impairment of judgment and abstract thinking, and changes in personality (Interactions in a Diverse Community)

deposition: an official court proceeding in which sworn testimony regarding the case facts is provided to the defense or prosecuting attorney prior to trial (Crime Scene to Courtroom)

detoxification: the process of allowing the body to rid itself of a drug while managing the symptoms of withdrawal (Interactions in a Diverse Community)

direct evidence: evidence which proves a fact without an inference or presumption and which, if true, conclusively establishes that fact (Legal)

direct liability: a liability which arises in cases in which the officer committed an intentional or negligent tort in violation of the employing agency's orders or policies (Legal)

dirty bomb: also known as radiation dispersal device; a traditional bomb with radioactive materials loaded into the casing (Critical Incidents)

disabled adult: a person 18 years of age or older who suffers from a condition of physical or mental incapacitation due to a developmental disability, organic brain damage, or mental illness, or who has one or more physical or mental limitations that restrict the person's ability to perform the normal activities of daily living (Criminal Investigations)

discrimination: negative behavior toward a person or because of prejudice involving color, race, sex, age, religion, ethnic and national origin, handicap, and/or marital status (Introduction to Law Enforcement)

discriminatory or bias-based policing: the unequal treatment of any person, including stopping, questioning, searching, detaining, or arresting a person, solely or primarily because of the person's race, ethnicity, religion, gender, sexual orientation, or socioeconomic status (Traffic Stops)

disengagement: the point at which the vehicles in a traffic crash separate, either naturally or artificially; also referred to as the post-collision phase (Traffic Crash Investigations)

distribution: the process by which the bloodstream carries alcohol to the body's tissues and organs (DUI Traffic Stops)

divided attention: the ability to concentrate on two or more things at the same time (DUI Traffic Stops)

documentary evidence: anything written or printed which is offered to prove or disprove facts pertaining to a case in court (Legal)

domestic violence: not a specific crime but actions that include any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another (Legal)

driver: any person who drives or is in actual physical control of a vehicle on a highway or who is exercising control of a vehicle or steering a vehicle being towed by a motor vehicle (Traffic Crash Investigations)

driving under the influence (DUI): driving, having driven, or in actual physical control of a vehicle while impaired by use of alcohol or other substances that adversely affect the auditory, visual, or mental processes; also referred to as driving while impaired or DWI by NHTSA (DUI Traffic Stops)

drug: any substance that, when taken into the human body, can impair the ability of the person to operate a vehicle safely (DUI Traffic Stops)

drug recognition expert (DRE): an expert specially trained and certified in investigations involving drugs or drug-impaired drivers (DUI Traffic Stops)

drug tolerance: the physical resistance to effects of a substance that causes a user to need a larger amount of it to experience the desired effect (Interactions in a Diverse Community)

due process clause: a part of the Fourteenth Amendment that expands the restrictions the Bill of Rights places on the federal government to state and local governments and states, “No state shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property, without due process of law; nor deny any person within its jurisdiction of the equal protection of the laws.” (Legal)

DUI detection process: the entire general process of identifying and gathering evidence to determine whether or not a subject should be arrested for a DUI violation, usually (but not always) including three phases; Phase One: Vehicle in motion, Phase Two: Personal contact, and Phase Three: Pre-arrest screening (DUI Traffic Stops)

duress or coercion: a defense that requires the person committing the act to reasonably believe that the only way to avoid death or great bodily harm to self or a third party is to commit the crime (Legal)

dwelling: a building or conveyance of any kind, including any attached porch, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it and is designed to be occupied by people lodging therein at night (Legal)

E

elderly person: a person 60 years of age or older who suffers from the infirmities of aging as manifested by advanced age or organic brain damage, or other physical, mental, or emotional dysfunction, to the extent that the ability of the person to provide adequately for the person's own care or protection is impaired (Legal) (Criminal Investigations)

elimination: a process by which alcohol is expelled from the body which includes breath, sweat, tears, and saliva (DUI Traffic Stops)

elimination prints: the physical evidence that allows a fingerprint analyst to distinguish between prints belonging to the victim or witness and possible suspects (Crime Scene to Courtroom)

embezzlement: an act of theft in which a person wrongfully takes money or other property entrusted to him or her for safekeeping and uses it for his or her own personal gain (Criminal Investigations)

emergency doctrine: a defense against liability that allows an officer to react instinctively to sudden peril without being held to the same legal standard of care as he or she would have been had there been time to reflect upon the circumstances (Legal)

Emergency Response Guidebook (ERG): a resource to guide a first responder's initial actions to a hazmat incident including the identification of hazardous materials, outline basic actions for first responders, recommend areas of protective action, and give responders an initial safety plan (Critical Incidents)

Emergency Response Plan (ERP): a written plan that describes the actions that an organization would take in response to various major events (Critical Incidents)

encroachment: when two objects begin to enter the same space at the same time (Traffic Crash Investigations)

endorsement: a special authorization printed on a Florida driver's license permitting a driver to drive certain types of vehicles or to transport certain types of property or a certain number of passengers (Traffic Stops)

entrapment: when a law enforcement officer uses undue persuasion or fraudulent means to induce a person to commit a crime that he or she would not have otherwise committed; can be used as a legal defense (Legal)

ethical behavior: principled, value-based decision making practiced daily (Introduction to Law Enforcement)

ethical principles: rules of conduct derived from ethical values (Introduction to Law Enforcement)

ethics: the standards of conduct based on moral duties and virtues that are derived from the principles of right and wrong (Introduction to Law Enforcement)

evasive action: any action the driver takes that alters the speed or direction of the vehicle, such as applying the brakes or turning the steering wheel (Traffic Crash Investigations)

evidence: anything presented in a court of law to prove or disprove the existence of a fact (Legal)

ex parte: a court order issued and signed by a judge that is initiated by one person in the absence of and without representation or notification of other parties (Interactions in a Diverse Community)

excited utterances: unplanned, spontaneous statements that occur during or after a shocking event, or having suffered an injury, and may be relied upon for truthfulness (Legal)

exclusionary rule: a rule which states that evidence obtained illegally by law enforcement cannot be used as evidence in court (Legal)

exculpatory evidence: evidence that points to the suspect's or defendant's innocence in a trial (Legal)

exigent circumstances: certain emergencies, such as evidence destruction, an emergency scene, or fresh pursuit that justify a warrantless entry (Legal)

exotic animal: an animal that is not native to Florida (Calls for Service)

explosives: materials or devices designed to release energy very rapidly (Critical Incidents)

exploitation of a disabled adult or elderly person: when someone knowingly, by deception or intimidation, obtains or uses a disabled adult's or elderly person's funds, assets, or property (Criminal Investigations)

extremist group: any formal or informal association of individuals acting in concert or independently to advocate violence and/or the illegal disruption of the lawful activities of others; it can be domestic or international (Interactions in a Diverse Community)

F

family or household member: spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family, or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit. (Legal)

fatal funnels: narrow spaces that restrict movement; these are typically doorways, hallways, and windows (Fundamentals of Patrol)

fatal injury: an injury resulting in an individual's death within a 12-month period after the traffic crash (Traffic Crash Investigations)

fellow officer rule: a rule that involves relying on the collective knowledge of other officers in taking law enforcement action (Legal)

felony: a criminal offense committed within a state in which the maximum penalty is death or incarceration in a state correctional facility for more than one year (Legal)

field contact: any person with whom an officer has contact while on patrol, such as concerned citizens, anonymous callers, confidential informants, and other law enforcement officers (Crime Scene to Courtroom)

field sketch: a hand-drawn picture of the crash scene as an officer perceives it upon arrival (Traffic Crash Investigations)

fight or flight response: the body's preparation to either fight a threat or flee the situation (Fundamentals of Patrol)

final rest: the point when all activity from the traffic crash comes to a halt (Traffic Crash Investigations)

first harmful event: the first damage-producing event in a traffic crash. It determines the exact time, location, and type of crash (Traffic Crash Investigations)

Florida Crime Information Center (FCIC): a database housed at the Florida Department of Law Enforcement that provides statewide information on people and property, driver's licenses and registration information, wanted and missing people, stolen guns, vehicles, and other property, and a person's status files and computerized criminal histories (Fundamentals of Patrol)

Florida driver's license (FDL): a permit granting the privilege to drive to a Florida resident who passes the DHSMV test (Traffic Stops)

Florida Traffic Crash Report form (HSMV 90010S): a set of forms provided by the Florida Department of Highway Safety and Motor Vehicles that combined previous separate Long, Short, and Update traffic crash report forms into one comprehensive form and used to record pertinent information, narrative, and diagram regarding traffic crash incident (Traffic Crash Investigations)

forcible felony: any of the following offenses defined in Florida Statutes 776.08 - treason; murder; manslaughter; sexual battery; carjacking; home-invasion robbery; robbery; burglary; arson; kidnapping; aggravated assault; aggravated battery; aggravated stalking; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; and any other felony which involves the use of threat or physical force or violence against any individual (Legal)

forfeiture: a civil proceeding in which the law enforcement agency asks the court to transfer ownership of property from the defendant to the government (Legal)

forgery: altering, forging, or counterfeiting a public record, certificate, legal document, bill of exchange or promissory note, etc., with the intent to injure or defraud someone (Criminal Investigations)

fresh pursuit: a legal doctrine that permits a law enforcement officer to arrest a fleeing suspect who crosses jurisdictional lines (Legal)

fruits of a crime: the objects obtained by the defendant as a result of committing a crime (Legal)

furrow mark: a trench dug by locked tires when a car is driven on a soft surface such as gravel, sand, or dirt (Traffic Crash Investigations)

G

gases: materials that are neither solid nor liquid at ordinary temperatures; flammable, non-flammable, poisonous, or corrosive materials in containers under pressure (Critical Incidents)

general intent: an offender's intention to voluntarily make the bodily movement which becomes the act to commit a criminal offense (Legal)

gouge: occurs when a metal vehicle part cuts into and removes the road surface (Traffic Crash Investigations)

grand theft: the theft of anything with a value of \$300 or more or theft of a will, codicil or other testamentary instrument, a firearm, motor vehicle, stop sign, or fire extinguisher (Criminal Investigations)

gratuity: anything of value intended to benefit the giver more than the receiver; something given to a person because of that person's position or authority (Introduction to Law Enforcement)

grid search pattern: a variation of the strip/line search pattern that is often used indoors and which overlaps a series of lanes in a cross pattern, making the search more methodical and thorough (Crime Scene to Courtroom)

gonnabe: an individual who aspires to become a gang member, but has not proven him- or herself and therefore not yet accepted into the gang (Interactions in a Diverse Community)

H

hallucination: any sensory perceptions in which a person can see, hear, smell, taste, or feel something that is not there (Interactions in a Diverse Community)

harass: to engage in conduct directed at a specific person which causes substantial emotional distress to that person and serves no legitimate purpose (Legal)

hard of hearing: a loss of hearing, but not to the extent that an individual must rely primarily on visual communication (Interactions in a Diverse Community)

hazardous material (hazmat): a substance or material that when released may cause harm, serious injury, or death to humans and animals, or harm the environment (Critical Incidents)

hearing impairment: any degree of hearing loss (Interactions in a Diverse Community)

hearsay: a statement other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth (Legal)

hit: an exact match in a database search (Fundamentals of Patrol)

homophone: a word pronounced the same as another but differing in meaning, whether spelled the same way or not (there/their/they're, dear/deer, advise/advice, accept/except etc.) (Interviewing and Report Writing)

home invasion robbery: a robbery that occurs within the victim's dwelling while the victim is present and aware that a robbery is taking place (Criminal Investigations)

horizontal gaze nystagmus (HGN): an involuntary jerking of the eyes as they move to the side (DUI Traffic Stops)

hostile work environment: a work situation in which lewd jokes or offensive habits are acceptable (Introduction to Law Enforcement)

human trafficking: transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, or obtaining another person for the purpose of exploitation of that person (Legal)

hybrid gangs: gangs that are composed of members from other gangs uniting to form a group (Interactions in a Diverse Community)

hypervigilance: is an enhanced state of awareness or “being on guard” that impedes one’s ability to relax and disengage from a stressful situation (Interactions in a Diverse Community) (Fundamentals of Patrol)

I

impairment: a mental, psychological, or physical disorder that impedes the completion of major life activities using traditional methods (Interactions in a Diverse Community)

implied consent: the fact that any person who accepts the privilege of driving in Florida has consented to submit to an approved chemical test to determine the alcohol content or the presence of a chemical and/or controlled substance in their breath, blood, or urine (DUI Traffic Stops)

impound: the towing of a vehicle at the direction of law enforcement (Calls for Service)

improvised explosive device (IED): a homemade bomb constructed and deployed in ways other than conventional military action and which can be made from commercially available materials (Critical Incidents)

incapacitating injury: visible or non-visible signs of injury, such as a bleeding wound or distorted member, usually requiring transportation to a medical facility and hospitalization (Traffic Crash Investigations)

incipient skid or impending skid mark: a mark left where the beginning point of braking leaves a discoloration on the roadway (Traffic Crash Investigations)

indirect evidence: any evidence that requires an inference or presumption to establish a fact (Legal)

induced damage: damage to a vehicle other than contact damage, often occurring as bending, breaking, crumpling, and distortion of the vehicle (Traffic Crash Investigations)

informational alert: wording printed on a Florida driver license that signals an officer about a person’s health condition or public safety status (Traffic Stops)

injunction: a court order which requires a person to do or refrain from doing specific acts (Calls for Service)

insanity: any mental disorder so severe that it prevents a person from having legal capacity and excuses that person from criminal or civil responsibility (Legal)

instrumentalities (of crime): the items used by the defendant to commit the crime (Legal)

insubordination: a failure to follow orders from superiors in the chain of command (Introduction to Law Enforcement)

intellectual disability: is a lifelong condition characterized by slow intellectual development (Interactions in a Diverse Community)

intelligence-led policing: ILP is the integration of community policing and law enforcement intelligence (Fundamentals of Patrol)

intent: when a person purposely does what the law declares to be a crime (Legal)

interference with custody: knowingly or recklessly taking or enticing any child under the age of 18 years from the custody of its parent, guardian or other lawful custodian. Section 787.03, F.S. (Criminal Investigations)

intermittent skid marks: a series of skid marks with long gaps (30 feet or more) between heavy skid marks (Traffic Crash Investigations)

interrogation: the process of questioning a suspect by law enforcement intended to directly or indirectly elicit an incriminating response; also called custodial interview (Legal)

intersection: (a) the area embraced within the prolongation or connection of the lateral curblines; or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles; or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict; (b) where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection; in the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection (Traffic Crash Investigations)

investigation: a process that involves making detailed and systematic inquiries or observations that begins upon the officer's arrival at the scene of a reported crime, and usually ends with him or her filing the initial report or turning the matter over to a detective or investigator (Crime Scene to Courtroom)

investigative stop: a stop that may be made only if an officer has reasonable suspicion that the person stopped was committing, is committing, or is about to commit a law violation; also known as a Terry stop (Legal)

J
jargon: the technical vocabulary of a particular profession that has meaning specific to people who work in that field (Interviewing and Report Writing)

jurisdiction: the types of cases in which the court can make decisions (Introduction to Law Enforcement)

justifiable use of force: a person may legally use force to defend against the use of force by another. Chapter 776, F.S. (Legal)

juvenile: an unmarried person under the age of 18 who has not been emancipated by order of the court and who has been found or alleged to be dependent, in need of services, or from a family in need of services; any married or unmarried person who is charged with a violation of law occurring prior to the time that person reached the age of 18 (Legal)

juvenile sex offender: a child 12 years of age or younger who is alleged to have committed a violation of sexual battery, prostitution, a lewd and lascivious act, an act of sexual performance by a child, or an act of obscenity, or any violation of law or delinquent act involving juvenile sexual abuse (Legal)

L

laned highway: a highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic (Traffic Crash Investigations)

lascivious: a wicked, lustful, or unchaste, licentious, or sensual intent on the part of the person doing the act and causing offense to one or more persons or substantially intruding upon the rights of others (Legal)

latent prints: a type of fingerprint that is invisible to the naked eye and is the most common evidence found at crime scenes. Latent prints result from body residues left behind when the friction ridges of the hands or feet make contact with a surface (Crime Scene to Courtroom)

lateral communication: the communication in an organization that travels across employees on the same level within the chain of command (Introduction to Law Enforcement)

law enforcement: the part of the criminal justice system responsible for the enforcement of and maintaining civil order (Introduction to Law Enforcement)

limited access facility: a street or highway especially designed for through traffic and over, from, or to which owners or occupants of abutting land or other persons have no right or easement, or only a limited right or easement, of access, light, air, or view by reason of the fact that their property abuts upon such limited access facility or for any other reason; such highways or streets may be parkways from which trucks, buses, and other commercial vehicles are excluded; or they may be freeways open to use by all customary forms of street and highway traffic (Traffic Crash Investigations)

lip-reading: the ability to understand what someone is saying by watching the movement of the lips, the facial expressions, and the body language of the other speaker when he or she is talking (Interactions in a Diverse Community)

live line-up: the presentation of a number of individuals, which may include a known suspect, to a victim or witness in a non-suggestive manner for the purpose of identification (Legal)

M

major life activities: include caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working (Interactions in a Diverse Community)

maliciously: wrongfully, intentionally, and without legal justification or excuse, and with the knowledge that injury or damage will or may be caused to another person or the property of another person (Legal)

Marchman Act: a law that provides substance abusers access to emergency services and temporary detention for evaluation and treatment either on a voluntarily or involuntarily basis (Interactions in a Diverse Community)

maximum engagement: the point at which the vehicles or other objects in a traffic crash are crushed together to the greatest extent (Traffic Crash Investigations)

maximum deviation: the condition where the gaze of the eye has moved as far as it can go towards the shoulder and no white is visible at the outside of the eye (DUI Traffic Stops)

members: individuals initiated into a gang who usually participate in the gang's social and criminal activities (Interactions in a Diverse Community)

mental illness: an impairment of the mental or emotional processes that exercises the conscious control of one's actions or the ability to perceive or understand reality (Interactions in a Diverse Community)

mental incompetence: a legal defense which recognizes that a criminal defendant will be judged on his or her present ability to assist counsel by participating in the criminal defense (Legal)

mental injury: injury to the mental or psychological capacity of a child as evidenced by an obvious function within the normal range of performance and behavior as supported by expert testimony (Criminal Investigations)

mental retardation: see intellectual disability

mere suspicion: a hunch or gut feeling based on law enforcement training and knowledge but is not an acceptable justification for interfering with someone's rights (Legal)

metabolism: the biological process by which the body breaks down substances into compounds that are more readily excreted (DUI Traffic Stops)

meth labs: locations where methamphetamine is manufactured (Critical Incidents)

minimal encouragers: the brief statements made during an interview which indicate that the officer hears what the person is saying and is inclined to hear more (Interviewing and Report Writing)

minority: a smaller segment of a population that differs from the majority in some characteristics (Traffic Stops)

mirroring: a technique in which the interviewer acts as if he or she looks in a mirror and sees him- or herself as the interviewee (Interviewing and Report Writing)

misdemeanor: any criminal offense that is punishable by a term of imprisonment in a county correctional facility not in excess of one year (Legal)

mistake or ignorance of fact: a legal defense that is used when the accused does not possess the mental state required to commit a criminal offense because of a reasonably mistaken belief about the facts relating to the circumstances; not to be confused with diminished mental capacity or insanity (Legal)

modus operandi: a Latin term meaning "the mode of operating" or MO and referring to how someone does something which is usually repetitive in nature (Crime Scene to Courtroom)

motor vehicle (s. 316.003(21), F.S.): a self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, motorized scooter, electric personal assistive mobility device, swamp buggy, or moped (Traffic Crash Investigations)

N

narrative: the paragraphs in a police report containing specific details and pertinent information about an incident and the elements of the crime (Interviewing and Report Writing)

National Crime Information Center (NCIC): a national database maintained by the Federal Bureau of Investigation that contains information from records of stolen, abandoned, and recovered property, wanted and missing person files, and files of people on supervised release, protection orders, foreign fugitives, immigration violators, and known or suspected terrorists or gang members (Fundamentals of Patrol)

negligence: a failure to use due or reasonable care in a situation that results in harm to another (Legal)

neurological nystagmus: an involuntary jerking of the eyes caused by a disruption of the central nervous system (DUI Traffic Stops)

no approach tactic: used in traffic stops in which the officer calls the driver to the patrol vehicle to acquire information instead of approaching the vehicle directly (Traffic Stops)

no retreat or stand your ground law: a section of the Florida Statutes that says an individual has "no duty to retreat when faced with imminent harm," "has the right to stand his or her ground," and may "meet force with force, including deadly force when he reasonably believes it is necessary to do so to prevent death or great bodily harm." Section 776.013, F.S. (Legal)

nolo contendere: a legal plea in which an individual does not accept or deny responsibility for the charges but agrees to accept punishment (Introduction to Law Enforcement)

non-contributing traffic violation: a traffic violation that has no bearing on the cause of the crash (Traffic Crash Investigations)

noncriminal violation: an offense, also known as a civil infraction, for which the only penalty may be a fine, forfeiture, or other civil penalty (Legal)

noncustodial transport: when an officer provides transportation to an individual that is not under arrest. This individual has voluntarily accepted or requested transport to a specified location. (Calls for Service)

non-incapacitating injury: visible or non-visible signs of injury or complaint of injury, not requiring transport from the scene (Traffic Crash Investigations)

non-traditional gangs: can be without laws or codes but still have an organizational structure; some examples include Haitian gangs, Jamaican Posse, and Asian Pride (Interactions in a Diverse Community)

non-traffic violation: a violation that has nothing to do with traffic or the traffic crash (Traffic Crash Investigations)

nonverbal communication: language expressed through tone of voice, facial expressions, gestures, and body language (Interactions in a Diverse Community)

normal faculties: the ability to see, hear, walk, talk, judge distances, drive an automobile, make judgments, act in emergencies, and normally perform the mental and physical acts of daily life (DUI Traffic Stops)

notice to appear: a written order that may be issued by a law enforcement officer in lieu of a physical arrest requiring a person accused of violating the law to appear in court at a specified date and time. It may only be used under limited circumstances for misdemeanor offenses, municipal or county ordinance violations, and criminal traffic violations. (Legal)

nuclear weapon: a weapon that derives its destructive power from an uncontrolled nuclear reaction (Critical Incidents)

nystagmus: an involuntary jerking of the eyes (DUI Traffic Stops)

O

oath: a promise to tell the truth regarding an incident or occurrence (Interviewing and Report Writing)

observation: accurately noting what is presented to the five senses by keeping in view, noticing, or giving attention to persons, things, or circumstances (Fundamentals of Patrol)

offense: a criminal or noncriminal act punishable by law (Legal)

offset mark: a skid mark indicating an abrupt change of direction of a tire due to collision forces (Traffic Crash Investigations)

offset position: a traffic stop position where the wheels of the police officer's patrol vehicle should be turned outward (toward the road); to provide cover from potential skipping rounds shot from the violator's vehicle or act as a potential cover position if required (Traffic Stops)

off the record: information not recorded in an official document during a court proceeding (Crime Scene to Courtroom)

omission: occurs when an officer neglects to perform what the law or duty requires (Legal)

open house party: a social gathering at a residence that is legal unless minors are consuming alcohol or drugs are present (Criminal Investigations)

ordinance: a statute enacted by a municipal (city) or county government and which applies only within the jurisdiction of the governmental entity which created it; may be criminal or civil (Legal)

overdose: the accidental or intentional use of a dangerously large amount of a substance that leads to death (Interactions in a Diverse Community)

P

paper terrorism: nuisance property liens, frivolous lawsuits, and false income reports filed by sovereign citizens often to retaliate against government officials (Interactions in a Diverse Community)

park: the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers (Calls for Service)

parole: the release of an inmate from a correctional institution prior to the end of the inmate's court-imposed sentence (Introduction to Law Enforcement)

partial sight: a visual impairment in which, after correction, objects still look dim or out of focus (Interactions in a Diverse Community)

patent prints: fingerprints that are visible to the naked eye and are transferred from the friction ridges on fingers by a foreign substance (not a body residue) like blood, paint, or dirt (Crime Scene to Courtroom)

pathological nystagmus: an involuntary jerking of the eyes which can occur as a result of brain tumors, other brain damage, or some diseases of the inner ear (DUI Traffic Stops)

pedestrian: any person afoot (Traffic Crash Investigations)

perception: an impression in a person's mind of an individual, people, or events based on experiences, biases, beliefs, assumptions, and observations; the process of organizing and attaching meaning to sensations, so that they can be interpreted (Introduction to Law Enforcement) (Fundamentals of Patrol)

perimeter: the area surrounding the site of an incident that may be cordoned off to prevent unauthorized personnel from leaving or entering the area (Fundamentals of Patrol)

perjury: a false statement made under oath which the person speaking does not believe to be true (Introduction to Law Enforcement)

personal identification information: a person's Social Security number, official state-issued or United States-issued driver license or identification number, alien registration number, government passport number, employer or taxpayer identification number, Medicare or food assistance account number, bank account number, credit or debit card number, and medical records (Legal)

personal values: individual convictions about what is right and wrong based on religious beliefs, cultural roots, family background, personal experiences, laws, organizational values, professional norms, and political habits (Introduction to Law Enforcement)

personality disorder: a deeply ingrained, non-psychotic, inflexible pattern of relating, perceiving, and behaving which can cause distress to the people around the individual with a personality disorder (Interactions in a Diverse Community)

petit theft: taking something valued at less than \$300 (Criminal Investigations)

phonetic-alpha code: a system of code that uses the letters of the English alphabet to identify letters in voice communication (Crime Scene to Courtroom)

photographic array: a presentation of a series of photographs to a victim or witness in a non-suggestive manner for the purpose of identifying a suspect (Legal) (Criminal Investigations)

physical dependence: occurs when a person is chemically and physically dependent upon the substance to maintain normal functioning, not just of the central nervous systems but of all systems (Interactions in a Diverse Community)

physical or mobility impairment: a functional limitation that affects one or more of a person's limbs (Interactions in a Diverse Community)

physical or real evidence: actual objects which may be offered to prove facts about a case in court (Legal)

pick-up order: a court order to take a juvenile into custody (Calls for Service)

pie/wheel search pattern: a search pattern often used at extremely large search areas that entails dividing the area into a number of pie-shaped sections, which are usually searched using the strip/line search pattern (Crime Scene to Courtroom)

plain touch/feel doctrine: a rule that during a valid stop and frisk allows an officer to seize an item he or she readily recognizes as contraband even if it does not feel like a weapon (Legal)

plastic prints: any molded or imbedded fingerprints made by touching a surface that is impressionable, or when the fingers or hand is coated with a foreign substance (Crime Scene to Courtroom)

plus one rule: a bluff safety technique in which an officer, after the suspect(s) and occupant(s) are out of the vehicle, checks for another hidden occupant (Traffic Stops)

point of no escape: the point in time when the crash is inevitable, no matter what evasive actions the drivers may attempt (Traffic Crash Investigations)

point of possible perception: the earliest possible time the driver could have become aware of a potential danger or hazard; also known as the pre-collision phase (Traffic Crash Investigations)

point of perception: when the driver becomes aware of a potential danger or hazard (Traffic Crash Investigations)

polydrug use: when a person uses two or more drug categories simultaneously (DUI Traffic Stops)

popped or damaged ignition: the plastic housing around the column's base that has been popped open, exposing the ignition bars that can be pulled forward to start the car; the key portion of the ignition key area has been removed, exposing the ignition bar (Traffic Stops)

post-traumatic stress disorder (PTSD): a severe anxiety disorder that develops after experiencing an extremely terrifying event (Interactions in a Diverse Community)

pre-existing damage: any damage to a vehicle that was present before the crash (Traffic Crash Investigations)

pretext stop: a stop made by an officer on the basis of a traffic infraction when there is not enough information for reasonable suspicion to make the stop but for the purpose of investigating other, more serious criminal activity (Legal)

primary collision factor: the one element or action which describes the primary cause of a crash (Traffic Crash Investigations)

principal in the first degree: a defendant who helped another person or persons commit or attempt to commit a crime and must be treated as if he or she had done all the things the other person or persons did (Legal)

private road or driveway: any privately owned way or place used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other people (Traffic Crash Investigations)

probable cause: a fair probability or reasonable grounds to believe that a crime was committed, based on the totality of circumstances (Legal)

probable cause affidavit: a sworn, written statement by a law enforcement officer establishing certain facts and circumstances to justify an arrest; also called an arrest affidavit (Legal)

probation: a sentence placing a person under the supervision of a probation officer for a specified length of time instead of in confinement (Introduction to Law Enforcement)

professionalism: a behavior that follows the prescribed Law Enforcement Code of Ethics, which demonstrates good character and is marked by pride in self and career (Introduction to Law Enforcement)

proof beyond a reasonable doubt: the standard used to determine if a criminal defendant is guilty and which holds that based on the facts of the case, there is no other reasonable explanation than that the defendant committed the crime (Legal)

prose: writing in normal continuous form (Interviewing and Report Writing)

prospect: an individual who is generally accepted by a gang and may participate in gang activities during a probationary period with hopes of becoming a full-fledged member (Interactions in a Diverse Community)

prostitution: the giving or receiving of the body for sexual activity for hire (Legal)

protective action distance: the distance that people should stay from a hazardous spill (Critical Incidents)

proximate cause: a link between the breach of duty and the harm caused (Legal)

psychological dependence: occurs when a person feels that he or she needs drugs to cope with problems, function better in life, or feel happier and can lead to physical addiction (Interactions in a Diverse Community)

psychophysical tests: field sobriety tests that measure a person's ability to perform both mental and physical tasks simultaneously (DUI Traffic Stops)

punitive damages: damages awarded in addition to actual damages when the defendant acted with recklessness, malice, or deceit (Legal)

Q

qualified immunity: a defense which protects government officials from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known (Legal)

querying: gathering information for law enforcement purposes; also includes entering, running, vehicle check, records check, wants and warrants check, criminal justice database check, FCIC/NCIC Department of Safety and Motor Vehicle database check (Fundamentals of Patrol)

quid pro quo: a Latin term meaning "something for something in return" (Introduction to Law Enforcement)

R

radio protocol: the customs and regulations for dealing with diplomatic formality, precedence, and etiquette when constructing and transmitting radio messages; it also includes the proper use of appropriate codes and signals (Fundamentals of Patrol)

reaction time: the length of time from when a person perceives a given situation as a hazard to when he or she reacts to his or her perception (Traffic Crash Investigations)

reasonable suspicion: the level of justification needed to support a legal *Terry* stop or investigative detention where an officer can articulate the facts that support a suspicion of a law violation (Legal)

receiver: a person who receives a message from a sender then acknowledges the message and provides feedback (Interactions in a Diverse Community)

report: a written document prepared by a law enforcement officer that gives information about an event, situation, or person encountered by the officer (Interviewing and Report Writing)

resting nystagmus: an involuntary jerking of the eyes as they look straight ahead. Its presence usually indicates a pathological condition or high doses of a dissociative anesthetic drug, such as PCP. (DUI Traffic Stops)

restriction: the language printed on a Florida driver license that may limit a driver from operating certain types of motor vehicles or require that he or she meets certain conditions when driving any motor vehicle (Traffic Stops)

retail theft: taking possession of or carrying away of merchandise, money, or negotiable instruments; altering or removing a label or price tag; transferring merchandise from one container to another of lower price; or removing a shopping cart with intent to deprive the merchant of possession, use, benefit or full retail value (Criminal Investigations)

ricin: a highly toxic poison found in the seeds of the castor bean plant (Critical Incidents)

roadway: that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder; in the event a highway includes two or more separate roadways, the term roadway as used here refers to any such roadway separately, but not to all such roadways collectively (Traffic Crash Investigations)

roll call: a brief informational meeting that officers attend before starting a shift (Fundamentals of Patrol)

rule of sequestration: a judge's order during a court proceeding that forbids all witnesses from discussing any aspect of a case with anyone but the involved attorneys (Crime Scene to Courtroom)

runoff: a fluid trail or pool of fluids escaping from a vehicle as a result of impact (Traffic Crash Investigations)

S

SARA: an acronym for Scanning, Analysis, Response, Assessment; a problem-solving model that provides a tool for officers to find proactive solutions to community issues (Fundamentals of Patrol)

scrape: a broad area of a hard surface covered with many scratches, striations, or streak marks made without great pressure by a sliding metal part (Traffic Crash Investigations)

scuff/yaw mark (critical speed mark): a mark caused by the tires of a vehicle that negotiate a curve too fast and slide off the curve (Traffic Crash Investigations)

search: any government intrusion into a place in which a person has a reasonable expectation of privacy (Legal)

search warrant: a court order that authorizes law enforcement to conduct a search and seizure (Legal)

secondary device: an additional explosive device placed at the scene of an ongoing emergency response intended to cause casualties among responders (Critical Incidents, Fundamentals of Patrol)

seizure: an act that occurs when the government affects a person's right to have or control his or her property, usually by physically taking that property (Legal)

self-defense: a common legal term that describes the justifiable use of force that is necessary to protect oneself or the defense of others (Legal)

self-help repossession: the process where a creditor may take possession of the collateral after default without a court order, if the repossession can be done without breach of the peace (Legal)

self-knowledge: an awareness of one's own inner nature, character, abilities, motives and limitations which promotes self-control (Interactions in a Diverse Community)

self-stimulating behaviors: coping skills which may allow an overstimulated individual to calm down in a stressful environment or can provide an understimulated individual with sensory stimulation (Interactions in a Diverse Community)

self-talk: a continual internal monologue that occurs when an individual evaluates events that are occurring (Interactions in a Diverse Community)

sender: the person who transmits a message to a receiver (listener) (Interactions in a Diverse Community)

sentence: a group of words that contains a subject and a verb and expresses a complete thought (Interviewing and Report Writing)

sentence fragment: a group of words that lacks a subject or verb or fails to express a complete thought (Interviewing and Report Writing)

serious bodily injury: an injury to any person, including the driver, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ (Traffic Crash Investigations)

sex-in: a prospect (usually female) must have sex with one or more members of the gang to be initiated (Interactions in a Diverse Community)

sexual battery: the oral, anal, or vaginal penetration by, or union with, the sexual organ of another; anal or vaginal penetration of another by any other object (Legal)

sexual harassment: unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature (Introduction to Law Enforcement)

sexual violence: defined in s. 784.046(c), F.S. and means any one incident of sexual battery, as defined in Florida Statute chapter 794:

- a lewd or lascivious act, as defined in chapter 800 of the Florida Statutes, committed upon or in the presence of a person younger than 16 years old
- luring or enticing a child, as described in chapter 787 of the Florida Statutes
- sexual performance by a child, as described in s. 827.071, F.S.
- or any other forcible felony in which a sexual act is committed or attempted, regardless of whether criminal charges based on the incident were filed, reduced or dismissed by the state attorney (Criminal Investigations)

shelter-in-place: the act of taking immediate shelter in a readily accessible location or remaining inside a structure to prevent exposure to a dangerous situation that exists outside of the structure (Critical Incidents)

show-up: a one-on-one identification of a suspect in the field by a victim or witness orchestrated by a law enforcement officer a short time after the commission of an offense (Legal)

SIDS: an abbreviation for Sudden Infant Death Syndrome, which is one of several causes of SUID (Sudden Unexplained Infant Death) and is the most common cause of death in infants aged one month to one year in the United States (Criminal Investigations)

sidewalk: that portion of a street between the curb line, or the lateral line, of a roadway and the adjacent property lines, intended for use by pedestrians (Traffic Crash Investigations)

sign language: communication which involves the hand and arms signaling, or body movements simultaneously combined with facial expressions in order to express their thoughts (Interactions in a Diverse Community)

sign-language interpreter: a person who can both receive and express information and interpret it effectively, accurately, and impartially (Interactions in a Diverse Community)

signals: a system of communication that uses the word “signal” to precede numbers (Fundamentals of Patrol)

simulated: referring to an act of simulated sexual intercourse, the term refers to the explicit depiction of sexual conduct, which creates the appearance of such conduct, and exhibits any uncovered portion of the breasts, genitals, or buttocks (Criminal Investigations)

skid mark: a black mark left by a tire that slides and cannot rotate (Traffic Crash Investigations)

skip skid marks: a series of skid marks usually short in length with irregular intervals between them (Traffic Crash Investigations)

slang: informal, nonstandard words often characterized by regional or specific group usage (Interviewing and Report Writing)

smallpox: a contagious infectious disease transmitted by prolonged face-to-face contact with an infected person, direct contact with infected bodily fluids, and direct contact with infected objects (Critical Incidents)

smuggling: an offense against the integrity of the United States borders (Criminal Investigations)

solicitation: an offense in which a person commands, encourages, hires, or requests another person to engage in specific conduct which would constitute the commission of an offense or an attempt to commit the offense (Legal)

sovereign immunity: a legal concept derived from the common law idea that the king and his agents can do no wrong, which is applied to governmental agencies and their employees to protect them from personal liability and from being named as defendants in a state civil lawsuit; as a law it includes a list of circumstances and requirements that must be met before the agency or employee can be sued in a state tort action (Legal)

specific intent: an expectation of a particular result, requiring a heightened mental state of intent to commit the act; proof that the suspect intentionally committed the act with a particular purpose or desire in mind (Legal)

speech impairment: a physiological condition that causes someone to have difficulty in producing sound or understanding language (Interactions in a Diverse Community)

spiral search pattern: a search pattern often used outside by one person in which the searcher begins at a certain point and walks in increasingly larger circles to the outmost boundary of the search area (Crime Scene to Courtroom)

squeegee mark: the strip of dry pavement left after a vehicle skids on a wet roadway (Traffic Crash Investigations)

stand: the halting of a vehicle, whether occupied or not, otherwise than temporarily, for the purpose of, and while actually engaged in, receiving or discharging passengers (Calls for Service)

standard of care: the level of competency expected or required during the performance of a service or a duty (Critical Incidents)

Standardized Field Sobriety Tests (SFST): the scientifically standardized and validated psychophysical tests given to determine chemical impairment. Also known as Standardized Field Sobriety Exercises or Evaluations (SFSE) (DUI Traffic Stops).

statement: a permanent, verbal, or written record of a person’s account of an incident or occurrence that may or may not be made under oath (Interviewing and Report Writing)

state road: any highway designated as a state-maintained road by the Department of Transportation (Traffic Crash Investigations)

statute of limitations: the legal principle that bars the state from prosecuting an individual after a certain period of time has elapsed since the criminal act occurred (Legal)

statutory law: the written laws enacted by Congress, state legislatures, or local governing authorities in response to a perceived need (Legal)

stereotyping: a fixed and unvarying idea or opinion of a person, group, or subject (Introduction to Law Enforcement)

stop: when prohibited, any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or to comply with the directions of a law enforcement officer or traffic control sign or signal (Calls for Service)

street or highway: (a) the entire width between the boundary lines of every way or place of whatever nature when any part thereof is open to the use of the public for purposes of vehicular traffic; (b) the entire width between the boundary lines of any privately owned way or place used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons, or any limited access road owned or controlled by a special district, whenever, by written agreement entered into under ss. 316.006(2)(b) or (3)(b), a county or municipality exercises traffic control jurisdiction over said way or place; (c) any area, such as a runway, taxiway, ramp, clear zone, or parking lot, within the boundary of any airport owned by the state, a county, a municipality, or a political subdivision, which area is used for vehicular traffic but which is not open for vehicular operation by the general public; or (d) any way or place used for vehicular traffic on a controlled access basis within a mobile home park recreation district which has been created under s. 418.30, F.S., and the recreational facilities of which district are open to the general public (Traffic Crash Investigations)

stress: the physical or emotional reactions to an event or situation (Fundamentals of Patrol)

strip/line search pattern: a search pattern often used outside by several people in which the search area is divided into lanes that are searched by one or more people in both directions until the entire area has been examined (Crime Scene to Courtroom)

structure: a building of any kind, either temporary or permanent, which has a roof over it, and the enclosed space of ground and outbuildings immediately surrounding that structure (Legal)

substance abuse: the continued use of a mind or physically altering substance that adversely affects an individual's social or occupational life and psychological or physical health (Interactions in a Diverse Community)

substance dependence: the compulsive abuse of substances due to an uncontrollable physical or psychological craving for that substance (Interactions in a Diverse Community)

substance use: the legal, or illegal, therapeutic, or recreational intake of a substance that can lead to substance abuse (Interactions in a Diverse Community)

substantial limitation: a restriction of the manner, condition, or duration in which one can perform major life activities compared to non-impaired people (Interactions in a Diverse Community)

suicide by cop: an attempt by a suicidal person to provoke a deadly force response from a law enforcement officer (Calls for Service)

SUID: an abbreviation for Sudden Unexplained Infant Death (the sudden and unexpected death of an infant due to natural or unnatural causes) (Criminal Investigations)

surface marks: the marks a vehicle can leave on roadways (Traffic Crash Investigations)

suspect: a person believed to have committed a crime or offense (Legal)

suspicious activity: any activity that is abnormal for a specific time of day in a particular area (Fundamentals of Patrol)

sworn statement: written or oral facts that are stated under oath or penalty of perjury (Interviewing and Report Writing)

T

tagging: also known as graffiti; writing or drawings that have been scribbled, scratched, or sprayed illicitly on a wall or other surfaces in a public area (Interactions in a Diverse Community)

take-down area: a designated area of disadvantage to the suspect vehicle driver or occupant often used for searching and securing (Traffic Stops)

ten or numeric code: a system that uses the number "10" to precede other numbers that represent specific activities (Fundamentals of Patrol)

testimonial evidence: witness statements presented in court tending to prove or disprove facts about the case (Legal)

test of heart: sometimes called "mission" or "work," the test of heart requires a gang prospect to commit a criminal act such as a drive-by shooting, assault or battery, robbery, graffiti, or burglary (Interactions in a Diverse Community)

theft: knowingly obtaining, using or endeavoring to obtain or use property of another with the intent to temporarily or permanently deprive the other person of the use of the property (Criminal Investigations)

tire print: the mark left by a tire that rolls over a soft material, such as sand, dirt, or a liquid, such as oil that is distributed over a hard surface, leaving an identifiable pattern matching the tread of the tire (Traffic Crash Investigations)

tort: a civil wrong in which the action or inaction of a person or entity violates the rights of another person or entity (Legal)

traditional gangs: gangs with a documented history, a written set of laws or codes that can have an organizational structure; they often have a leadership structure (implicit or explicit), codes of conduct, colors, special dress, signs, and symbols (Interactions in a Diverse Community)

totality of circumstances: a court review of all factors known to the officer at the time of the incident (Legal)

traffic crash: a collision involving one or more vehicles, which causes personal injury, property damage, or death, and which is the result of an unintentional act (Traffic Crash Investigations)

traffic crash management: law enforcement's responsibility to control and normalize a traffic crash scene (Traffic Crash Investigations)

traffic flow: the general speed and direction of vehicle or pedestrian movement (Traffic Stops)

traffic stop: the temporary detention of an individual in a vehicle by an officer for an investigative purpose (Traffic Stops)

trafficking: an offense against a person for the purposes of subjection to involuntary servitude, peonage, debt bondage, slavery, or commercial sex (Criminal Investigations)

transferred intent: the intent that is present when an intentional act harms an unintended second victim (Legal)

transitional gang members: individuals or a group of members that come to prison and realign themselves with traditional and non-traditional gangs (Interactions in a Diverse Community)

traumatic brain injury (TBI): structural damage sustained by the brain resulting in temporarily or permanently impaired brain function (Interactions in a Diverse Community)

triangulation: the method employed in crime-scene sketching using measurements made from at least two fixed objects to form a triangle (Crime Scene to Courtroom)

U

unknown risk traffic stop: a type of traffic stop in which the potential risk of the situation is not known (Traffic Stops)

unnatural: not in accordance with nature or with normal feelings or behavior (Legal)

uttering: knowingly exhibiting or publishing a document to someone or attempting to cash a check by signifying that the check and the endorsement is real (Criminal Investigations)

V

values: the principles, standards, or qualities considered worthwhile or desirable; the core beliefs or desires that guide or motivate attitudes and actions (Introduction to Law Enforcement)

vehicle: every device in, upon, or by which any person or property may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks (DUI Traffic Stops) (Traffic Stops)

vehicle-borne improvised explosive device (VBIED): a motor vehicle used as a bomb (Critical Incidents)

vehicle dynamics: the movement of the vehicle during and after collision (Traffic Crash Investigations)

vertical communication: the information that flows down through the supervision level to the lowest levels of the organization (Introduction to Law Enforcement)

vertical gaze nystagmus (VGN): the involuntary jerking of the eyes as they move upward and are held at maximum deviation (DUI Traffic Stops)

vestibular nystagmus: an involuntary jerking of the eyes caused by movement or action to the vestibular (inner ear) system (DUI Traffic Stops)

vicarious liability: when a person or entity is held liable for the negligent actions of another person, even though the first person or entity was not directly responsible for the injury (Legal)

victim: a person or entity which suffers an injury as a result of a crime (Legal)

victim collection point (VCP): an area designated to keep contaminated and uncontaminated persons separate to avoid the spread of contamination from a hazardous material (Critical Incidents)

voluntary examination: a decision made by an individual to willingly seek a psychiatric evaluation for symptoms that may be due to a mental illness (Interactions in a Diverse Community)

vulnerable adult: a person 18 years of age or older whose ability to perform the normal activities of daily living or to provide for his or her own care or protection is impaired due to a mental, emotional, sensory, long-term physical, or developmental disability or dysfunction, brain damage, or the infirmities of aging (Criminal Investigations)

W

wheel witnesses: people at a crash scene who may be used to establish that a suspect driver was behind the wheel of a vehicle involved in a crash (Traffic Crash Investigations)

willfully: intentionally, knowingly, and purposely (Legal)

withdrawal: the physical and mental symptoms that occur after chronic use of a drug is reduced or stopped (Interactions in a Diverse Community)

within the state: anywhere in Florida, whether on roadways, or public or private property (DUI Traffic Stops)

witness: a person who has information about some element of the crime or about evidence or documents related to the crime and who may have heard statements or observed events before, during, or after the crime; a person who sees, knows, or vouches for something and makes a sworn statement about that information (Legal)

writ of replevin: a court order that entitles the creditor to possess collateral after the borrower defaults (Legal)

Z

zone/quadrant search pattern: a search pattern often used for an area that is large or outdoors, in which the area is divided into four different sections and searched using an alternative search pattern (Crime Scene to Courtroom)

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