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TRAINING BULLETIN

December 1, 2017

Officer Safety and Articulate Facts

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Officer safety is **everything** for you as an officer and is the justification for almost all of your actions in the field. However, it is not legal justification by itself, to do anything in the field. If you want to bullet proof your stops and searches remember to document and testify to ARTICULABLE FACTS. If you write in your report that you stopped or pat searched someone for "officer safety," welcome to a motion to suppress.

REASONABLE SUSPICION

Remember, reasonable suspicion is lower than probable cause-the information can be less reliable and more than that needed for probable cause. Bottom line, reasonable suspicion will exist if you can articulate one or more circumstances that based on your training and experience and based on common sense that criminal activity is afoot. It has to be more than a hunch but it can be otherwise innocent behavior that can lead you to reasonable suspicion.

OFFICER SAFETY

The United States Supreme Court has held that officer-safety concerns are legitimate and weighty due to officer's vulnerability. Some circumstances that the Court has upheld detentions:

- Suspect may have committed a violent felony;
- Matches description

- Running and hiding;
- Conduct-refusal to follow commands
 - Jittery
 - Nervous
 - Fails to show hands
- Prior contact
 - Prior contact where suspect was armed
 - Prior contact where suspect resisted
 - Prior contact where suspect fled

- Location plus something else
 - Multiple individuals
 - Night time with no back-up close

Handcuff during a Detention does not constitute arrest.

Again, you need a reason because handcuffing during a detention is not standard operating procedure. Must be brief and reasonably necessary. TELL the suspect s/he is not under arrest but merely detained.

Some examples of articulable facts to justify handcuffs during a detention:

- Suspect was verbally abusive to officer;
- Suspect refused to remove hands;
- Suspected of violent crime;
- Intoxicated and would not follow direction;
- Officer alone, late at night;
- Officer alone, outnumbered by suspects;
- Reasonable belief that suspect is armed;
- Suspect keeps reaching inside clothing;
- Appears ready to flee;
- Tenses up when touching suspect;
- Suspect transported to another location ie a show up

When you detain a suspect, ARTICULATE why. If you pat search a suspect, ARTICULATE why. If you handcuff a suspect during a detention, ARTICULATE why. If you fail to do so, welcome to a motion to suppress, where hopefully you will remember the facts that led you to take the steps you did. Be safe.