

EXPANDED COURSE OUTLINE
REGULAR BASIC COURSE
LEARNING DOMAIN 15
LAWS OF ARREST

Effective date of outline: February 15, 2017

I. LEARNING NEED

Peace officers must have an understanding of the amendments to the U.S. Constitution, and similar sections of the California Constitution that are related to the authority, liability, and responsibility they have in making arrests.

LEARNING OBJECTIVES

- A. Recognize a peace officer's responsibility in relation to the protections and rights included in the following amendments to the U.S. Constitution and related California Constitution sections:
 - 1. Fourth Amendment
 - 2. Fifth Amendment
 - 3. Sixth Amendment
 - 4. Fourteenth Amendment

- B. Recognize a peace officer's responsibility in relation to the protections included under federal civil rights statutes
 - 1. Officers can be liable if acting under color of law.
 - 2. Officers can be prosecuted criminally if depriving legal rights.
 - 3. Officers can be prosecuted criminally law applied unevenly.

II. LEARNING NEED

Peace officers must recognize that a consensual encounter is a face-to-face contact with a person under circumstances which would cause a reasonable person to believe they are free to leave or otherwise not cooperate.

LEARNING OBJECTIVES

- A. Recognize appropriate conduct during a consensual encounter
 - 1. Gathering information
 - 2. Interviewing witnesses
 - 3. Conversing casually
 - 4. Disseminating information

- B. Recognize conduct that may elevate a consensual encounter
 - 1. Using emergency lights
 - 2. Using police vehicle to prevent person from leaving
 - 3. Issuing orders or commands
- C. Recognize the consequences of elevating a consensual encounter
 - 1. Violate Fourth Amendment
 - 2. Civilly prosecuted
 - 3. Criminally prosecuted
 - 4. Face agency disciplinary action

III. LEARNING NEED

Peace officers must recognize that a temporary detention is an assertion of authority that is less than an arrest but more substantial than a consensual encounter.

LEARNING OBJECTIVES

- A. Differentiate between a detention and a consensual encounter
 - 1. A lawful detention requires reasonable suspicion of criminal activity
 - 2. Consensual encounter is a face to face contact between citizen and police under circumstances that would cause a reasonable person to believe that they are free to leave.
- B. Recognize reasonable suspicion
 - 1. Officer has enough facts and circumstances to reasonably suspect criminal activity is occurring for a lawful detention.
- C. Recognize appropriate peace officer actions during a detention
 - 1. Questioning identity and conduct
 - 2. Contacting individuals for confirmation or warrant checks
 - 3. Checking premises contacting neighbors
- D. Recognize the scope and conditions for warrantless searches and seizures during a detention
 - 1. Cursory/frisk: Outer clothing/ locate weapons
 - a. Bulge in clothing
 - b. Suspects actions (nervousness)
 - c. Prior knowledge of violent behavior

- E. Recognize conditions where the use of force or physical restraint is appropriate during a detention
 - 1. Person tries to leave during detention
 - 2. Be handcuffed
 - 3. Be placed in patrol vehicle

IV. LEARNING NEED

Peace officers must know and comply with the statutory rules of arrest in order to properly exercise their authority and responsibility, while avoiding potential liability when making arrests.

LEARNING OBJECTIVES

- A. Recognize when there is probable cause to arrest
 - 1. Fact causing belief that person is guilty of crime by: investigation
 - 2. Circumstantial
 - 3. Secondhand statements from reliable sources
- B. Identify elements of a lawful arrest
 - 1. Arrest by Police of private person
 - 2. Arrested be taken into custody in manner authorized by law
 - 3. Made by actual restraint of the person or submission to officer's authority
- C. Differentiate between arrest and detention
 - 1. Arrest: The taking of a person into custody
 - 2. Detention: To lead a person to believe they are not free to leave
- D. Recognize information that must be given to an arrested person
 - 1. Intent
 - 2. Cause
 - 3. Authority
- E. Recognize elements of a warrantless arrest for a misdemeanor
 - 1. Committed by juvenile
 - 2. Driving under the influence
 - 3. Carrying a loaded firearm
 - 4. Violating a domestic protective or restraining order
 - 5. Committing assault or battery
 - 6. Assault on school premises
 - 7. Assault of firefighter or medical technician
 - 8. Carrying a concealed firearm at an airport

- F. Recognize elements of a warrantless arrest for a felony
 - 1. Committed felony in officer's presence
 - 2. Committed felony, although not in officer's presence
 - 3. Committed a felony, regardless of whether or not felony was in fact, committed

- G. Recognize elements of a warrant arrest
 - 1. Name of defendant
 - 2. Crime defendant is suspected of committing
 - 3. Time warrant is issued
 - 4. City or county warrant is issued
 - 5. Signature of issuing authority
 - 6. Name of the court
 - 7. Amount of bail

- H. Recognize the requirements for entry into a dwelling to make an arrest
 - 1. Knock and Notice
 - a. Announce presence
 - b. Identify themselves as peace officers
 - c. State purpose
 - d. Demand entry
 - e. Wait reasonable time and forcibly enter premises

- I. Recognize the authority for a private person arrest and the peace officer's duty in response to a private person arrest
 - 1. May arrest an individual for any public offense committed in their presence.

- J. Recognize conditions under which the use of force or physical restraint is appropriate during an arrest
 - 1. Penal Code 835a: Authorizes peace officers to use force that is reasonable to arrest, prevent escape, or overcome resistance.

- K. Recognize the statutory requirements for the disposition of an arrested person
 - 1. If arrest is made pursuant to a warrant the arresting officer must proceed with the arrestee as commanded in warrant.

- L. Recognize the exception to the powers to arrest
 - 1. A stale misdemeanor

V. LEARNING NEED

When conducting a custodial interrogation, peace officers must follow Miranda procedures to ensure that any answers obtained will be admissible in court.

LEARNING OBJECTIVE

- A. Identify the purpose of the Miranda warnings
 - 1. The Fifth Amendment: No person shall be compelled in any criminal court case to be a witness against himself.
- B. Recognize when Miranda warnings must be given
 - 1. Placed under arrest
 - 2. Interrogation
- C. Identify the proper administration of Miranda warnings
 - 1. You have the right to remain silent
 - 2. Any statement made may be used against you in court
 - 3. You have to have an attorney present before and during questioning
 - 4. An attorney will be provided if you cannot afford one.
- D. Recognize the impact of invoking:
 - 1. The right to remain silent
 - 2. The right to counsel
- E. Recognize the types of Miranda waivers
 - 1. Expressed
 - 2. Implied
 - 3. Conditional
- F. Recognize the exceptions to the Miranda rule
 - 1. Public safety
 - 2. Emergency rescue

VI. LEARNING NEED

To develop admissible evidence while ensuring the constitutional rights of all individuals, peace officers must correctly follow standardized practices for conducting crime scene interviews and interrogations.

LEARNING OBJECTIVE

- A. Differentiate between an interview and interrogation
 - 1. Interview: Process of questioning non-suspects willing to cooperate
 - 2. Interrogation: Questioning suspects who often may be unwilling to cooperate
- B. Identify the purpose of an interrogation
 - 1. To elicit an incriminating response
- C. Differentiate between an admission and confession
 - 1. Admission: incriminates individual but fall short of a confession
 - 2. Confession: acknowledging the commission of all elements of a crime
- D. Identify the conditions in which a confession or admission may be inadmissible in court.
 - 1. Arrest and statement was the result of an illegal search and seizure
 - 2. Statement was obtained in violation of the Miranda's requirements
 - 3. Statement obtained outside the presence of defense counsel
 - 4. Statement was in voluntary

VII. REQUIRED TESTS

- A. The POST-Constructed Comprehensive RBC Test 1.
- B. The POST-Constructed Comprehensive RBC test 2.
- C. The POST-Constructed Comprehensive RBC test 3.

VIII. REQUIRED LEARNING ACTIVITIES

- A. The student will participate in one or more learning activities from the POST-developed *Instructor's Guide to Learning Activities for Leadership, Ethics and Community Policing (December 2005)* or other comparable sources regarding laws of arrest. At a minimum, each activity or combination of activities, must address the following topics:
 - 1. Use of analysis in the development of probable cause for consensual encounters, detentions and arrests
 - 2. Role of peace officer discretion in using arrest as a tool of enforcement to resolve problems and focus on quality of life issues
 - 3. Officer accountability and responsibility as it relates to laws of arrest
 - 4. How a peace officer's conduct and attitude affects the officer, officer's agency and the community
- B. The student will participate in a learning activity addressing interviews or interrogations. The discussion must minimally address the following issues:
 - 1. Mechanics of the interview process

2. Location and physical environment
3. Interviewer's actions and style
4. Types of questions

<u>Description</u>	<u>Hours</u>
POST Minimum Required Hours	<u>12</u>
Agency Specific Hours	<u>2</u>
Total Instructional Hours	<u>14</u>