

BUREAU OF ORGANIZATIONAL DEVELOPMENT - INTEGRITY SECTION

ROLL CALL TRAINING SCRIPT

SPRING 2017

1. Slide 1: Title Slide
2. Slide 2: Overview
3. Slide 3: Three Levels of Encounters
 - a. Consensual Encounter: the person feels free to leave
 - i. A consensual encounter is a voluntary contact between an officer and a person during which the person must feel free to leave the officer's presence. An officer may approach any person at any time for any reason on any basis. However, absent reasonable suspicion or probable cause, that person must be free to walk away at any time. (Definition per S.O. S04-13-09)
 - ii. If one or more of the following is present, the encounter is NOT consensual:
 1. Threatening presence of several officers
 2. Display of a weapon by an officer
 3. Use of language or tone of voice indicating that compliance with the officer's request might be compelled
 4. Officer blocks a person's path
 5. Choice to end the encounter is not available to the person
 6. (Definition per S.O. S04-13-09)
 - b. Investigatory Stop: the person does NOT feel free to leave during encounter
 - i. An Investigatory Stop is the temporary detention and questioning of a person where the person was stopped based on Reasonable Articulate Suspicion that the person is committing, is about to commit, or has committed a criminal offense. The suspect may be detained only for the length of time necessary to confirm or dispel the suspicion of criminal activity. (Definition per S.O. S04-13-09)
 - ii. During an Investigatory Stop, an officer may, in some circumstances, perform a Protective Pat Down.
 - c. Custodial Arrest: requires probable cause

4. Slide 4: Probable Cause

- a. Probable cause exists where the police have knowledge of facts that would lead a reasonable person to believe that a crime has occurred and that the subject has committed it.
- b. This differs from Reasonable Articulate Suspicion in that “the facts supporting RAS do not need to meet probable cause requirements, but they must justify more than a mere hunch. The facts should not be viewed with analytical hindsight but instead should be considered from the perspective of a reasonable officer at the time that the situation confronted him or her.

Circumstances that would amount to probable cause to make an arrest include:

1. A crime committed in the presence of the officer;
2. A credible citizen willing to sign a complaint;
3. Admissions or confessions made to the officer as to the commission of a crime;
4. Reasonable grounds to believe the person is wanted on a warrant.

Stops based solely on PC will be documented on an ISR when no other document captures the reason for the detention.

5. Slide 5: Reasonable Articulate Suspicion

- a. Reasonable Articulate Suspicion is an objective legal standard that is less than probable cause but more substantial than a hunch or general suspicion.
- b. Reasonable Articulate Suspicion depends on the totality of the circumstances which the sworn member observes and the reasonable inferences that are drawn based on the sworn member's training and experience.
- c. Reasonable Articulate Suspicion is based on the officer's observations of the subject, together with other information the officer has received (such as from the dispatcher, other witnesses, intelligence bulletins or from other officers.)
(Def per S.O. S04-13-09)

6. Slide 6: Factors leading to the stop

- a. Determine whether the stop was based on probable cause or reasonable articulable suspicion.
- b. Introduce and demonstrate the boxes added to CPD form 11.910
 - i. Reasonable Articulate Suspicion
 - ii. Probable Cause
- c. Introduce changes to the ISR ClearNet system form

- i. PC based – If an ISR is based solely on probable cause the author will select this option
- ii. RAS based – If a stop involves reasonable articulable suspicion, and the author selects this option, only boxes related to reasonable articulable suspicion will appear

Note: The author MUST select either the Reasonable Articulable Suspicion or Probable Cause check box

7. Slide 7: Situations when ISRs are required

- a. An ISR will be required for all Investigatory Stops, whether or not the stop involves a Protective Pat Down, including Investigatory Stops that lead to:
 - i. an arrest ex: UUW and robbery arrests based on flash messages
 - ii. personal service citation
 - iii. ANOV
 - iv. curfew violation report
 - v. school absentee report
 - vi. any stop conducted pursuant to Gang or Narcotic related enforcement (per S.O. S10-02-03)
- b. An ISR will be required for all stops based on probable cause, when no other document will capture the reason for the detention
 - i. ANOVs
 - ii. PSCs
- c. Mental health and detox relocations when a pat down or search are conducted

8. Slide 8: Situations when an ISR is NOT required

- a. Consensual encounters – e.g., voluntary discussions on the street
- b. Other, non-investigative encounters – e.g. relocations of victims/witnesses
- c. Encounters not on the public way

9. Slide 9: Pat Downs, Searches and Receipts

- a. Protective pat down: Open hand, outer garments, for weapons only.
 - i. A Protective Pat Down (or frisk) is a limited search of the outer clothing of a person for weapons for the protection of the sworn member or others in the area. If, during a Protective Pat Down, the member touches an object which he or she reasonably believes is a weapon, the officer may reach into that area of the clothing and retrieve the object. A Protective Pat Down is not a general exploratory search for evidence of criminal activity.

- ii. The goal of a Protective Pat Down is NOT to prevent the disappearance or destruction of evidence of a crime – the only justification for the pat down is the need to look for weapons on the body of the subject.
 - iii. “Officer Safety” by itself does not justify the pat down, although reasonable articulable suspicion for the pat down can be supported by a single observation, a set of observations, or a combination of such observations and other information. The officer must articulate the specific reasonable suspicion that the person may be armed and dangerous. (Page 17 of ISR Lesson Plan)
 - iv. Remember the frisk is a pat down of the suspect's outer clothing, based on safety, in which the officer is feeling for hard objects that might be weapons. During the pat down, the officer may not manipulate items that are plainly not weapons.
 - v. If an officer conducts a Protective Pat Down, a receipt must be issued to the person subjected to it.
- b. Custodial Search: Search subsequent to arrest.
- i. Custodial searches are more invasive than a protective pat down.
 - ii. Not limited to the outer garments and may include a search for not only weapons but also contraband or evidence of crime.
 - iii. If an officer reasonably suspects occupants of a vehicle lawfully stopped may gain control of a weapon in the vehicle, the officer can search for weapons in the vehicle's passenger compartment. The officer may search anywhere an occupant can gain immediate access to that weapon.
- c. Consensual Searches
- i. Victim/Witness relocation (not required)
 - ii. Mental transport (required)
 - iii. Detox transport (required)

10. Slide 10: Common Errors When Completing ISRs

- a. If an officer conducts a Protective Pat Down, the officer must check the appropriate box. If an officer conducts a Custodial Search, the officer must check the box stating that “a search beyond a Protective Pat Down” was conducted of the person and/or his effects, as appropriate.
- b. If an officer conducts a Protective Pat Down, he or she must provide a receipt and check the box stating that a receipt was given. If a receipt cannot be given, the officer must so state in the narrative and provide the reason why not.
- c. The officer must state the disposition of the stop (including whether any enforcement action was taken) in the appropriate field.

- d. If an Investigatory Stop results in charges being filed (including pursuant to an arrest, ANOV, or personal service citation), the officer must list the charge(s) in the appropriate field.
- e. The officer must specify any related ISRs in the appropriate field
- f. When a dispersal order is given, Officers must list the entire Gang & Narcotic Loitering or High Intensity Gang Conflict Zone location number in the appropriate field. The rest of the required information will be articulated in the narrative portion. (VRI zone number is not enough)

11. Slide 11: Deficient Example – No RAS for the pat down

- a. What makes this example bad RAS for Pat Down?
 - i. "Officer Safety" by itself is not sufficient to justify a pat down.
 - ii. The officer should have articulated in the narrative the factual basis for believing the person was armed and dangerous, and therefore caused the officer to conclude that a pat down was necessary.

12. Slide 12: Good Example – Developing RAS

- a. What makes this example sufficient?
 - i. Officers are developing RAS as they approach
 - ii. Without prompt (no stop has yet occurred) the individual raises his shirt
- b. What makes this example sufficient?
 - i. Several observations are made
 - 1. Walking up and down Lawrence Ave
 - 2. Looking into vehicles with lone male occupants
 - ii. Officer's experience and knowledge of solicitation violations are brought into play

13. Slide 13: Ask ISR

- a. To access the Integrity Section Website
 - i. On Clear system, click on Bureau Sites
 - ii. Under "Bureau of Organizational Development", click on "INTEGRITY SECTION – AskISR"
- b. Here you can access training documents and videos
 - i. Additional material on Supervisory Review of ISRs
 - ii. Additional material on vehicle stops
 - iii. Additional material on GNL Enforcement
- c. You can also access AskISR
 - i. Updated
 - ii. Indexed by category