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Approach Associates

4237 Piedmont Ave Suite 201 Oakland CA 94611 (415) 652-2842

FIELD INTERROGATION

A TRAINING MANUAL

Prepared by

Joanne Brown

Alan Kalmanoff, Ph.D.

Carol Kizziah

Mimi Silbert, Ph.D.

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1973

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FIELD INTERROGATION

A Training Manual

Prepared by

APPROACH ASSOCIATES

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ACQUISITIONS

Joanne M. Brown
Alan Kalmanoff, Ph.D.
Carol Kizziah
Mimi Silbert, Ph.D.

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INTRODUCTION

This manual is a model Field Interrogation training curriculum initially developed for the San Diego Police Department in October 1973. The manual is a basic guideline for instructors, set out in a series of units. These units may be presented in various sequences, depending on the experience of the officers who are being trained.

For maximum impact, this manual should be used as a whole. However, units can be implemented separately or in combination to meet specific restraints (e.g., time, money, staff and programs). For example, if legal instruction is adequately provided for in an Academy, the legal unit (VI) can be incorporated into such instruction. This approach also applies for Unit II b, Peacekeeping; Unit III, Safety; and Unit IV, Coping with Cultural Differences.

The minimal field interrogation training curriculum must include at least the Communication Workshops. To fully realize the impact of these workshops on police personnel, however, it is necessary to connect the learning in the workshops to field skills. This would require the additional units on police objectives--Unit II a, Law Enforcement and Unit VII, Police Environment.

Unit IX, Experiential Training, although extremely valuable, is expensive both in terms of finances and logistics. Use of nearby jurisdictions would reduce some of the costs.

One method of dealing with some aspects of field interrogation skills is through the employment of video-taping. Simulated field

contacts can be taped (I), and openings and closings (V), edited from these tapes, can be contrasted. A second set of video-tapes, to compare change over time in field interrogation performance, would also be instructive. The video units are time-consuming, but accomodation for these units should be made within a training program, if at all possible.

An evaluation unit should be included. Evaluation by the participants in any program is essential to future training programs, as well as current accountability.

The following chart is a schematic approach to the Field Interrogation Training Manual. It displays the curriculum in terms of distinct units as well as interrelationships.

The curriculum begins with the foundation of any field interrogation training program--the COMMUNICATION WORKSHOPS.

As the diagram progresses downward, new units are added according to their basic relevance to field interrogation skills.

The addition of each unit brings another dimension to the curriculum and an enhanced level of expertise.

CURRICULUM USE STRUCTURE

UNIT GROUPS

1

COMMUNICATION WORKSHOPS (UNIT VIII)

2

COMMUNICATION WORKSHOPS

EVALUATION (UNIT X)

3

COMMUNICATION WORKSHOPS
EVALUATION

POLICE OBJECTIVES (UNIT II)

POLICE ENVIRONMENT (UNIT VII)

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COMMUNICATION WORKSHOPS
EVALUATION

POLICE OBJECTIVES

POLICE ENVIRONMENT

LEGAL UNIT (UNIT VI)

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COMMUNICATION WORKSHOPS
EVALUATION

POLICE OBJECTIVES

POLICE ENVIRONMENT

LEGAL UNIT

SAFETY (UNIT III)

COPING WITH CULTURAL DIFFERENCES (UNIT IV)

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COMMUNICATION WORKSHOPS
EVALUATION

POLICE OBJECTIVES

POLICE ENVIRONMENT

LEGAL UNIT

SAFETY

COPING WITH CULTURAL DIFFERENCES

SIMULATED FIELD INTERROGATION VIDEOTAPE (UNIT I)

OPENINGS AND CLOSINGS (UNIT V)

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COMMUNICATION WORKSHOPS
EVALUATION

POLICE OBJECTIVES

POLICE ENVIRONMENT

LEGAL UNIT

SAFETY

COPING WITH CULTURAL DIFFERENCES

SIMULATED FIELD INTERROGATION VIDEOTAPE

OPENINGS AND CLOSINGS

EXPERIENTIAL TRAINING (UNIT IX)

A. ACADEMY TRAINING

The following order of units is recommended for academy training of recruits:

- UNIT I: Pre-Training Preparation: Simulated Videotaped
Field Contact
- UNIT II: The Police Objectives of Field Interrogation
- a. Law Enforcement
 - b. Keeping the Peace
- UNIT III: Safety Aspects of Field Interrogation*
- UNIT IV: Coping with Cultural Differences in Field Interrogation*
- UNIT V: Techniques for Opening and Closing a Field Interrogation
- UNIT VI: The Legal Aspects of Field Interrogation*
- UNIT VII: The Police Environment of Field Interrogation
(After the recruits have spent some time in the field and are about to conclude Academy training, Unit VII should be offered to small groups of eight-ten.)
- UNIT VIII: Communication Workshops 1-A and 1-B for Field Interrogation* (After the recruit has completed a probationary period, Unit VIII should be completed together with Workshops 2, 3 and 4.)
- UNIT IX: Experiential Field Training
- UNIT X: Evaluation

*Those units marked with an asterisk may overlap or seem to repeat material that is already presented in Academy Training. Approach Associates recommends that, wherever appropriate and feasible, the new unit be substituted for the old unit or overlapping material.

B. IN-SERVICE TRAINING

A different ordering of units is recommended for in-service training of Advanced Officers, Sergeants, or Field Training Officers:

- UNIT I: Pre-Training Preparation: Simulated Videotaped
Field Contact
- UNIT IX: Experiential Field Training
- UNIT VII: The Police Environment of Field Interrogation
- UNIT II: The Police Objectives of Field Interrogation
 - a. Law Enforcement
 - b. Keeping the Peace
- UNIT III: Safety Aspects of Field Interrogation*
- UNIT IV: Coping with Cultural Differences in Field Interrogation*
- UNIT VI: The Legal Aspects of Field Interrogation*
- UNIT V: Techniques for Opening and Closing a Field Interrogation
- UNIT VIII: Communications Sessions for Field Interrogation
- UNIT X: Evaluation

*Those units marked with an asterisk may overlap or seem to repeat material that is already presented in Academy Training. Approach Associates recommends that, wherever appropriate and feasible, the new unit be substituted for the old unit or overlapping material.

C. LINE-UP TRAINING

For training at line-up, certain parts of the following units may be useful:

- UNIT III: Safety Aspects of Field Interrogation
(especially: role-playing selected safety problems)
- UNIT II: Police Objectives of Field Interrogation
(especially: keeping the peace - referrals)
- UNIT VI: The Legal Aspects of Field Interrogation
(especially: new developments in case law)
- UNIT IV: Coping with Cultural Differences in Field Interrogation
(especially: current perceptions of minority communities of police)

D. CURRICULUM ORGANIZATION

Each unit is divided into sections: WHY, WHAT, HOW.

The WHY section answers the question: Why is this unit relevant to the officer? It is suggested that the instructor discuss the WHY of each unit with the trainees prior to the presentation, so that the importance of the unit's content is recognized in relation to the officers' needs in practice.

The WHAT section describes the content of the unit to be presented. Each WHAT section describes the goals the trainees should achieve for each segment of the unit.

The HOW section provides the suggested approach to teaching the content (i.e., what advance preparation is necessary; what handouts; what audio-visual aids; what techniques for lecture, for discussion, for role-plays).

Trainers should read the entire curriculum and adapt the training program according to need, constraints and resources.

UNIT 1: PRE-TRAINING PREPARATION: SIMULATED VIDEOTAPED FIELD CONTACTWHY

The purpose of this unit is to help officers develop an understanding of how they conduct field contacts, and to develop training materials and videotapes for use in later department training sessions.

WHAT

A scenario or script should be developed that allows for the maximum possible variety in field contact style, procedure, result and outcome. Ingredients should be present in the story or script so as to allow certain officers, upon careful development of probable cause, to arrest the subject. Every effort at realism should be made, and officers should be encouraged to treat the simulation as if it were a normal radio assignment.

The field interrogation should be recorded with videotape equipment. It is urged that a stationary audio microphone be employed, with wires concealed so as to insure clear reception of sound. Contacts should be limited to ten minutes. A subject should be employed who will later be able to discuss reactions to the simulation with the officers. Preferably the subject should present a "challenge" to a good field contact.

Example of Scenario

The officers will be told to assume that the area surrounding the police administration building is part of their beat. Radio dispatch

has just given the officer an assignment to investigate a report by a passing citizen that a man is slumped over the wheel of a (describe the car) parked at (describe the location). The officer is to assume that he drove or walked past the same location twenty minutes earlier, and observed a man and a woman apparently quarreling in a parked car. When the officer responds to the assignment he is to assume that the car is the same vehicle observed earlier.

The officer is not to assume that an occupant of the car has been briefed concerning the field interrogation. He is to follow every procedure that would normally be performed under similar circumstances in an actual field interrogation.

HOW

A simulated field contact should be "set up " and videotaped. Later, officers should have the opportunity to review their entire videotape before beginning formal field contact training.

- UNIT II: THE POLICE OBJECTIVES OF FIELD INTERROGATION

LAW ENFORCEMENT OBJECTIVES

WHY

The purposes of this unit are:

1. To help officers clarify and understand the department's objectives in field contacts.
2. To establish definitions and objectives for the field contact process, so that field interrogations and contacts "make sense."
3. To enhance decision-making during the field contact through clarifying the officer's reasons and strategy for the contact, and expanding options.

WHAT

The term "field interrogation" is police jargon for an important law enforcement process. A literal interpretation of the words "field interrogation" suggests that the process always involves questioning a suspect. Employment of the term, accordingly, tends to create confusion when teaching the subject.

The phrase "field interrogation" also causes other problems. It may intimidate a citizen (and the "community") when exposed to the process, so labeled. It also creates a psychological mind-set in a police officer which may, in some situations, reduce objectivity, hinder communications, and limit observation and listening abilities.

Shouldn't a definition of this process relate to the great variety

of police/citizen "field contacts" which may or may not involve an interrogator/suspect relationship, and which may or may not result in a written record of the event? Do you, will you, or should you (if the answer is no), regularly make contact with citizens to satisfy your curiosity? "Curiosity" often arises in situations which do not provide the "cause" which legally justifies temporary detention.

For purposes of this training unit, the following terms should be considered synonymous: "field contact," "field interview," and "field interrogation." A simple curiosity is a legitimate reason if it can be connected to a police objective, and the contact carried out in a manner which does not aggravate the citizen or damage the police image.

For training purposes it is helpful to divide police/citizen contacts into two groups:

1. First, there are those situations which can be referred to as "stops." In these instances, the officer is prompted to take action by circumstances which provide cause for a temporary detention.

2. The second class of contact does not involve stopping of a citizen. These stops are more properly identified as "approach situations" in which the citizen may legally opt to ignore the officer, or simply provide minimal identification.

Of utmost importance in the field contact process is the necessity for clear objectives and reasons for a stop. Studies of police/citizen contacts have shown that untrained officers tend to unnecessarily prolong the period of questioning. This tendency towards excessive wordiness and redundancy occurs because the officers do not have a strategy based upon definable objectives.

Objectives of Field Interrogation:

1. Definition of field interrogation: "The officer/citizen interaction which takes place in the field for the purpose of gaining information and/or providing service."

2. Objectives of the field interrogation process: general police objectives; procedural objectives; personal objectives.

a. General police objectives (non-prioritized):

- (1) To develop and record beat knowledge;
- (2) To prevent crime and/or promote public safety;
- (3) To apprehend offenders; and
- (4) To promote good-will (public support/police image).

b. Procedural objectives:

- (1) To keep the peace;
- (2) To meet legal tests or requirements;
- (3) To eliminate or reduce citizen complaints and tension; and
- (4) To explain the reasons for a field contact to the subject.

c. Personal objectives:

- (1) To insure personal safety;
- (2) To record information of police value;
- (3) To determine identity and background of subject and what is happening (when appropriate);
- (4) To take action appropriate for the situation (arrest, referral or disengagement); and
- (5) To minimize negative effect of contact with citizen.

HOW

Lecture and discussion of subject matter, and role-playing of selected field contact situations are the basic means of presenting this unit.

1. Instructions

Understanding, acceptance and utilization of the legitimate objectives for police/citizen contacts are best achieved if the trainer allows the trainees to develop them through class discussions. It is accordingly recommended that the appropriate responses be elicited from the trainees rather than having the instructor simply write the objectives on a blackboard. Most trainers will find that class interest can be generated and all legitimate objectives identified with minimal prompting.

The trainer should emphasize legitimacy in all class discussions of police objectives. Responses should also be solicited from trainees on typical "non-legitimate" objectives. Officers frequently limit their effectiveness in reaching the police objectives when they react emotionally because of frustration. For example, harassment of "hippie types" or racial minorities often becomes a non-legitimate objective of police contacts with citizens. It cannot be overemphasized that an individual officer's ego satisfaction, at the expense of a citizen (or community), is not a legitimate field contact objective.

Trainers should anticipate occasions during the training sessions, particularly in role-playing, when it will be necessary to remind a trainee that his or her ego needs are obstructing the police

objectives of a field contact. During the discussion of police/citizen contact objectives, the trainer should encourage a frank and open discussion of attitudes towards the process.

Officers' attitudes vary widely: On one side are those who believe in the legitimate police objectives and exercise restraint and personal control when talking to citizens. At the other extreme are those who consider the process a battle of wits--"the cops against the punks." Although attitudes are difficult to change, the trainer should develop in the trainees a sensitivity and respect for the feelings of the people they contact.

2. Role-Playing

Field contact role-playing will enable the instructor to determine whether his or her trainees can quickly identify the police objectives in a given situation and systematically proceed to achieve them. (See Unit VIII.) It also permits the trainees to experience role reversal by playing the role of citizen. Playing the role of citizen sensitizes them to how it feels to be stopped by a police officer. By understanding the reactions of a citizen, they can develop better communication skills and become more effective information gatherers. Role reversal also makes an officer more conscious of the effect of the field contact process on the public image of police.

The trainer should create "characters" from the list of typical field contact subjects. The "citizen" should play his or her role so as to test the interrogating officers' abilities. For example, a trainee might be asked to play the role of a hippie. A second officer

should be instructed to contact the "hippie" and determine well-being. More complicated plots can be devised to test the interrogating officer's knowledge concerning probable cause, clues to criminal activity, communication skills, and ability to act flexibly.

3. Questions for Class Discussion

a. Is profanity necessary in certain police/citizen contacts? Example: Is the use of obscenity sometimes useful to control a situation, gain attention or communicate intent?

b. Is a "tough" attitude helpful in getting information or establishing control when dealing with street-type people?

c. Is clever interrogation likely to yield information of police value during street contacts with citizens?

d. Should an officer be himself or act out a "good guy" or "bad guy" role when making police/citizen contacts?

OBJECTIVES FOR KEEPING THE PEACE

WHY

Police officers need to be able to identify the various objectives of keeping the peace in the field contact process, and to increase their awareness of their options, resources, and the various methods for fulfilling their objectives.

WHAT

1. Introduction

Peacekeeping is an essential part of policing. It is useful in a field interrogation curriculum to review the historical roots of modern policing.

Historically, the original role of policing in England and America was exclusively a peacekeeping one. Later, law enforcement functions evolved from keeping the peace functions. The night watchman's role was enlarged to keep down riots and looting in Eastern cities in the early 1800s. Only later was the crime-prevention role developed.

The police function of keeping the peace has strong roots in Western tradition and the law of most states. (California examples are employed below.)

a. California Government Code § 26600 and 22823 charge the police with the special duty of keeping the peace.

b. The original statutory basis for "police" developed from the concept of the sheriff. California Government Code § 26600 states that the sheriff shall preserve the peace. To accomplish this goal, the

statute allows sponsorship, supervising, or participation in any program of crime prevention, rehabilitation of persons previously convicted of crime, or suppression of delinquency.

c. California Penal Code § 697 reinforces the peacekeeping role of the police by providing that public offenses may be prevented by the intervention of officers of justice through the requirement of surety bonds as a guarantee to keep the peace.

d. Judicial case law has reaffirmed the peacekeeping duty and functions of the police for almost a century.

2. Importance of the Peacekeeping Function

Trainees should individually and collectively develop a definition of the peacekeeping function. This will encourage a better understanding of the role of a police officer in keeping the peace, and it will encourage individual acceptance of that role.

3. Peacekeeping Options

Many police agencies have responded to the function of keeping the peace with specific department programs. These programs have been planned and developed to respond to conditions in the community that cause law enforcement problems. In other words, the programs provide a peacekeeping approach designed to avoid a law enforcement problem. These programs are useful to illustrate the various peacekeeping roles of police. Some examples are:

a. Landlord-Tenant Units: These programs seek to alleviate disorderly conduct and assault problems by offering legal information and on-the-spot mediation to landlords and tenants involved in disputes.

b. Conflict Management Programs: These programs seek, through training and research, to identify patterns in assaults on officers, and to train officers in avoiding such charges against citizens with whom they may have contact.

c. Family Disturbance Programs: These programs seek to train officers in family crisis intervention so that disturbances can be settled quickly, safely, and permanently, thereby avoiding future law enforcement problems.

d. Home Alert Programs: These programs seek to make neighborhoods less hospitable to burglars through a process of public education in prevention devices, cooperative home-watching, and informed communication with police agencies.

Each of the above programs has possibilities for individual officers in the field. These possibilities should be discussed in class. Further, trainees should describe peacekeeping experiences that they have had, or observed, in order to individualize the peacekeeping perspective for each officer.

4. Police Discretion

Decision-making is a daily routine for law enforcement officers. There are few jobs which require decision-making with life and death consequences. Often decisions and choices related to keeping the peace will conflict with decisions and choices to enforce the law. It is important to understand that these two goals are not exclusive, or opposite. Often a "peacekeeping response" to a situation rather

than a law enforcement response will prevent further violations of the law. An officer must use judgment in determining the correct response. A thorough discussion of examples of such choices, however, is the best way to develop professional judgment in such situations.

One example: An officer stops a juvenile for a quasi-serious misdemeanor that is not, at the moment, endangering another citizen. The officer may arrest the juvenile and introduce him or her into the criminal justice system. However, the police officer has more than one alternative. The officer can (1) take the juvenile home to the parents, or (2) refer the juvenile to a social service agency, or (3) attempt to talk to the juvenile, to discourage the criminal activity, or (4) arrest and refer to juvenile authorities. Officers with sufficient time might even attempt follow-up activity. The above alternatives need to be discussed, and an attempt made to isolate the considerations that weigh in favor of each alternative. Officers might develop other examples of peacekeeping versus law enforcement functions, and discuss the basis for a choice.

5. Community and Police Perceptions

This section should begin with a summary of the perceptions of community groups, and specifically a review of their perceptions of the police. It is essential that the research in this material be current, and that the material cover all of the distinct communities within the city; e.g., Black, Chicano, hippie, white, etc. This research perhaps may be accomplished through the Police Department's Community Relations Office.

Discussion should focus on the importance of perceptions of one another held by various community groupings and the police. The relationship between these perceptions and the following topics should be discussed:

- a. safety;
- b. beat knowledge;
- c. citizen cooperation;
- d. what is and what ought to be (e.g., knowing how people perceive police is different from agreeing with their perceptions).

6. Community Expectations of Police

Understanding perceptions is a first step in discovering the expectations of different groups, neighborhoods, and beats. Discussion should treat the kinds of peacekeeping functions that the trainees would want in the communities in which they reside. Discussion should also focus on the methods officers use, or can use, to discover the kinds of peacekeeping services expected on their beats.

7. Community Resources Available to the Neighborhood

Police officers should be familiar with community resource agencies, the clientele they serve, their eligibility requirements, fees, and hours, and the procedures they use for referrals. This is essential information if officers are to perform their peacekeeping functions effectively. Officers should be supplied with material outlining this information. Discussion should insure that officers understand the material and how to use it in peacekeeping roles that they play.

HOW

The means for presenting this material are discussion of definitions, objectives, options, and methods for keeping the peace. Employment of outside resource personnel, and police community relations officers may be useful. Role-playing examples should also be used as relevant.

The material in this unit can be presented in a number of ways: by lecture, through reading, through exposure to outside resource personnel, through discussion amongst trainees, or through a combination of these methods. The material is set forth in varying ways, and the trainer should present the material and ideas in the most comfortable manner.

UNIT III: SAFETY ASPECTS OF FIELD INTERROGATIONWHY

To identify skills or techniques most appropriate to police/citizen contact situations, and to identify unsafe practices.

WHATAspects of Safety in Field Interrogation

1. Objectives of Field Contact Process (review)
2. Goals of the Field Contact Training Program
 - a. Sensitize officers to the development of field contact techniques which will more effectively achieve legitimate police objectives.
 - (1) simulated field contacts and critiques
 - (2) role reversal, and citizen perceptions
 - (3) communication workshops, and anticipating danger.
 - b. Identify those skills or techniques which are most appropriate to the various police/citizen contact situations, through:
 - (1) role-playing and/or videotape analyses and critiques
 - (2) group discussions.
 - c. Minimize the risk of injury to the officer (and citizen?).
 - (1) identify unsafe practices
 - (2) pat-down role-playing and critique
 - (3) discuss field contact strategies.

3. Safety Considerations

- a. Cardinal rule: (solicit response)
BE ALERT BE ALERT BE ALERT
- b. Preliminary safety precautions (solicit response).
 - (1) use of radio (report location, ask for cover, make file check)
 - (2) use of equipment (baton; mace; flashlight; notebook; vehicle)
 - (3) careful assessment of environmental hazards (potential weapons, such as rocks; avenue of flight; lighting, etc.)
 - (4) careful assessment of subject's reaction
- c. Dynamic safety measures.
 - (1) initiation of the contact (who, what, when, where, why)
 - (a) why stop or approach (what purpose?)
 - (b) who to stop or approach
 - (c) when and where to stop or approach
 - (2) field contact strategy (how)
 - (a) greeting (how)
 - (b) pat-down (how and when)
 - (c) other safety measures (cover; use of equipment; etc.)
 - (d) I.D. (how and when)
 - (e) recording of information (how and when)

(f) P.R. and explanations (how and when)

(g) closing (how)

4. Pat-Down Role-Playing

a. Night time simulation with officer using flashlight.

b. Two citizens and two officers (the subjects should be separated, but one officer should question both subjects).

HOW

Role-playing of pat-down situations; videotape analysis and critique of safety practices; group discussion of field contact strategies.

It has been determined in previous role-playing experiences that most officers will fail to properly check the hands of a subject undergoing a pat-down. The subject in the pat-down role-playing situation should be directed to stand with hands in pockets and to have a closed pocket knife in the palm of his hand when he is asked to withdraw them from his pockets. Pat-down subjects may also be equipped with small weapons carried in the following locations: inside belt in the small of back; and inside stocking and shirt pocket.

Discuss the use of the Kel-Lite flashlight in lieu of the long baton in an open training session:

Many officers feel more comfortable with the heavy metal flashlight in their hands while making street contacts with citizens. They apparently believe that it has an innocuous appearance and is not likely to provoke the subject, yet at the same time is instantly available as a weapon. It has serious disadvantages, however, which should be covered in class so that more officers will be persuaded to wear the long baton as a precautionary safety measure.

An officer must close-in to use the metal flashlight as a weapon. (If the officer customarily stands very close to the subject, he may more often create an incident by the act of space intrusion. The baton, on the other hand, when properly used by a trained person,

will keep the subject at a distance or incapacitate without serious injury.

Questions for Class Discussion

1. Is it necessary, in a field contact, to discover and remove all items which can be offensively used, or only weapons immediately accessible by the subject?
2. Should an officer always pat-down the subject of a field contact whenever he/she has sufficient cause to detain and require identification?
3. Should the decision to pat-down be governed by any or all of the following: attitude of subject, time of day, number of officers present?
4. Do you ever fail to observe safety practices because it might embarrass you or the subject?

UNIT IV: COPING WITH CULTURAL DIFFERENCES IN FIELD INTERROGATION

WHY

Citizens represent diverse backgrounds, education and experiences. The purpose of this section is to enhance an officer's ability to successfully contend with these different perspectives.

WHAT

Significant Concepts

To provide a framework for discussion, several concepts are significant.

1. Definitions of Subject

a. "Cope" -- Of the several definitions given by Webster, the one which most nearly represents the idea we wish to explore is "to contend with successfully, on equal terms."

b. "Culture" -- Cultural, of course, is the adjective which describes the word culture. Two parts of Webster's definition of culture are significant for our discussion:

- (1) the training and refining of the mind, emotions, manners, taste, etc. (environment)
- (2) the results of this training, refining of the mind, emotions, manners, etc. -- (the concepts, habits, skills, art, instruments, institutions of a given people in a given time) We then arrive at a brief definition of "cultural," meaning "of culture--obtained by breeding."

c. "Difference" -- the way or point in which people or things are different, or unlike.

Using the above definitions, we can re-state the subject -- Contending successfully, on equal terms with the unlike results of the training, refining of the mind, emotions and manners of a certain people at this point in our civilization.

2. Ownership of Power

a. In a democratic form of government, the ultimate power belongs to the people. This means that each person has some political power. This also means that a large portion of our "criminal" element, the rich, the poor and the alienated, have some political power. In our democratic form of government, we have certain basic Constitutional rights which we do not forfeit because we participate in delinquent or criminal acts.

b. As employees in the Criminal Justice System, we have power. The legal provisions which set forth our office, duties and limitations legitimate this power over the offender.

c. The professional skills and expertise we bring to the job suggest another kind of power.

"Power can be considered as 'executive' or 'personal.' Executive power is the power to do something, as in the case of the 'Chief Executive;' he has the power, though limited, to determine major policies. The professional has executive power by reason of social acclamation, and his own knowledge and experience. This is essentially the power to do something (executive). Personal power, on the other hand, is the power to be something. It is the power that one feels in a person who appears to be in charge of himself, master of his fate, and whose personal charisma, strength, and qualities of leadership influence others. Personal power, or the power to be, is not necessarily

related to executive power, though in happy exceptions it can be. In the 'helping' professions, executive power, without personal power, is manipulative, controlling, authoritative and often destructive. On the other hand, personal power without executive power can lead to false expectations, frustrations and disillusionment. If the professional can couple both executive and personal power, his effectiveness will be great."

"The personal power of the 'helping' professional rests heavily on his perception of himself. He views himself both as a person with or without convictions and personal power, and also in a role with or without convictions and executive power. He sees, then, two persons in himself; the professional and the person."^{*}

3. The "We-They" Syndrome

It seems to be a human tendency to divide ourselves into two categories--we and they. Then we add a value judgment which is very well summarized by Kipling in the closing stanza of his poem, "We and They":

All good people agree
And all good people say,
All nice people like us are WE
And everyone else is THEY.

a. Some results of the "we-they" syndrome:

- (1) We tend to see others as being different. This is true. However, the word different does not mean "good guy" or "bad guy" or "superior" or "inferior."

*Carlo A. Weber, "Professionalism and the Attributes of a Professional --Or How to Get Paid More for Working Less," a speech given to the Southern Division Training Academy of the Los Angeles County Probation Department, October, 1971.

(2) Another example: We do not permit the "they" in our society to have the normal human capacities or limitations. We somehow expect others to act with super-human qualities even when, by every rational objective appraisal, the actions are inappropriate to the stimulus which triggers the reactions.

4. "What Is" Versus "What Ought to Be"

Our judgments and our actions are governed by our perceptions of what ought to be as well as what is. We must develop the techniques of understanding another person's perceptions.

Example: The Black community believes that too much power in this country is in the hands of the white majority, that in spite of the noble words of the Declaration of Independence and the Judeo-Christian ethics, the white majority intends to keep most of the power.

What is important, in the above example, of course, is not whether interrogating officers agree with the statement or not. What is important is that officers who interrogate Black people accept the fact that certain Blacks do agree with the statement. Accepting "what is" instead of trying to deal with "what ought to be" will thereby facilitate coping with cultural differences.

5. Action-Reaction

An action stimulates a reaction. You cannot change another person's behavior. He or she must change the behavior. The trick is to act in such a way that you increase the chances that the other person

will react in a way that helps you reach your overall goal as well as your sub-goals. It is not too helpful to say your goal is to "protect" society. The sub-goal of how to effectively interrogate a suspect, victim or witness is more meaningful.

6. Trade-Off - Pay-Off

Increase your awareness of the concepts of trade-offs and pay-offs. Understand the difference. Trade-offs: I give up something I want for something I want more. What I get, as a result of this, are pay-offs.

HOW

Discussion of relevant concepts is the chief training technique for this unit. It is advised that an outside resource person instruct this unit. Regardless of who instructs, however, the approach to this unit is crucial. Trainees must not be lectured, or accused of racism, or told what not to do, or how to do anything. The stress should be on techniques and tools that might make communication easier during a field interrogation. Discussion should be the rule.

UNIT V: TECHNIQUES FOR OPENING AND CLOSING A FIELD INTERROGATION

WHY

The purpose of this unit is to give the trainees an opportunity for discussion after viewing videotapes of various kinds of openings and closings (given the same set of circumstances) in a field interrogation. This unit should provide the trainees with a sense of the scope of the varying approaches and closing patterns available to them.

WHAT

Discussion of Openings

1. Greeting
2. Explanation for stop
3. Pat-down if done
4. Tone of voice
5. Structured versus open-ended line of questioning
6. Information gathered. What information are you looking for, and how do you go about getting it?
7. Fielding crap. Did officer rise, bounce back, use it or ignore it?
8. Safety
9. Style
10. When was identification requested?

Discussion of Closings

1. Leave fear

2. "Patch up"
3. Clean ending or jump back with another question
4. Was closing different than opening? - Attitude of officer
5. Did officer accomplish what he or she set out to accomplish?
6. Did the citizen understand and/or was citizen satisfied at the end of the interrogation with the officer's manner of handling the situation, explanation for the stop, pat-down, etc.?

HOW

Discussion and videotape critiques. For this particular unit, the Department should use an existing tape or make a new tape of the openings and closings of police officers involved in the simulated field interrogations. The trainer should then use this tape to conduct the unit.

Officers may wish to rank openings and closings for overall effectiveness in achieving police objectives: law enforcement and peace-keeping.

UNIT VI: THE LEGAL ASPECTS OF FIELD INTERROGATION

WHY

This unit is structured around a single principle: USING THE LAW TO ENHANCE POLICE OBJECTIVES. If there is any one rule to be learned from the legal unit, it is that a sophisticated use of the law and legal thinking is the most efficient way of keeping a beat clean in the short, and long, run. This unit's purpose is to demonstrate to officers that the law is manageable and that legal guidelines can be applied in field situations with a basic amount of analysis and common sense.

Note: The following material, which was assembled in 1973, requires updating. It was initially based both on California and Federal law.

WHAT

Components of a Legally Supportable Stop and Frisk

1. The Exclusionary Rule

This is the basis for the evolving law on search and seizure. Whether we agree or disagree we have to learn what it means and how it applies in the streets.

The guarantees against unreasonable searches and seizures, as contained in the Fourth and Fourteenth Amendments, are applicable to police officers seeking to enforce the criminal laws, said the U. S. Supreme Court in the landmark case of Mapp v. Ohio, 367 US 643. Evidence

obtained by an unlawful search and seizure by police officers is inadmissible in criminal trials. Mapp v. Ohio, supra. and the California case establishing the exclusionary rule, People v. Cahan, 44 C.2d 434.

In California the law of detention developed within the following line of major cases: In People v. One 1960 Cadillac Coupe, 62 C.2d 92, the California Supreme Court held that, although "a police officer . . . may detain and question a person when the circumstances are such as would indicate to a reasonable man in a like position that such a course is necessary to the proper discharge of his duties, the circumstances must be such as to distinguish the activity of the detained person from that of any other citizen and must be based on an objective perception of events rather than the subjective feelings of the detaining officers." This makes more specific the guidelines of Terry v. Ohio, 392 US 1 (1968):

"The police officer must be able to point to specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant the intrusion. The scheme of the 4th Amendment becomes meaningful only when it is assured that at some point the conduct of those charged with enforcing the laws can be subjected to the more detached neutral scrutiny of a judge who must evaluate the reasonableness of a particular search or seizure in the light of the particular circumstances. And in making that assessment it is imperative that the facts be judged against an objective standard."

Thus, a detention based on a "mere hunch" is unlawful, even though the officer may have acted in good faith. "There must be a 'rational' suspicion by the peace officer that some activity out of the ordinary is or has taken place . . . some indication to connect the person under suspicion with the unusual activity . . . and some

suggestion that the activity is related to crime." People v. Henze, 253 CA2d 986. Where the events are as consistent with innocent activity as with criminal activity, a detention based on those events is unlawful: People v. Moore, 69 C.2d 674 (reaffirmed in 1976 California Supreme Court decisions).

Therefore, the question that the court asks the officer is: "Would the facts available to this specific officer at the moment of the seizure (stop) or search (pat) warrant a man of reasonable caution to believe that the action taken was appropriate?" The officer must recount all his/her observations, all factors known to him/her at that time, his/her previous training and experience and set forth all inferences and conclusions he/she drew causing him/her to "stop" the suspect. After the court has heard all the officer's testimony, the court will answer the question: Was his/her action reasonable?

2. Factors Determining Reasonableness

The following are factors to be taken into consideration in determining the reasonableness of a detention in the field:

- Isolating which factors or types of evidence justify a temporary detention.
- The frisk.
- Translating hunches.
- Examples of suspicious circumstances which do not, alone, warrant temporary detention.
- Additional practical limitations on conducting a detention.

a. Isolating which factors or types of evidence justify a temporary detention.

- (1) The "appearance and demeanor of the suspect suggest that she/he may be involved in criminal activity."
Your testimony in court should not consist of this kind of generalized statement. Specific facts with connections to criminal activity are required. Begin with, for example, shabbily dressed, driving a new Cadillac. However, these circumstances alone would probably not justify a detention. Additional evidence, such as the fact that a late model, red Cadillac was listed on the hot sheet, or that the driver appeared unfamiliar with the operation of the car, is necessary. The mere fact that a Black male was seen in a predominantly White neighborhood would never justify detention in the eyes of a court.
- (2) The actions of the suspect appear to be related to criminal activity.

Furtive movements (subject to the limitations of our discussion of the Kiefer case) such as disposing of an object, a sudden change in direction upon the arrival of the police, or fleeing from the police, are all factors that justify detention. A change of direction is not as probative of criminality as is fleeing from the sight of police officers. A

subject's fleeing, if supported by specific facts (i.e., if it were shown that he knew the approaching persons to be police), is a circumstance which alone would justify detention. The significance of such suspicious activities should be evaluated only in light of other evidence. Example: In an area of the city where many vehicle burglaries had recently occurred, an officer observed one man, apparently "staking out" on one side of the street, and another man, of the same age and general description, on the other side of the street, halfway down the block, looking into an automobile. When the suspects observed the officer, they started walking in opposite directions. Several minutes later, however, they were seen together. These circumstances, taken together, would justify the questioning and temporary detention of both men.

(3) The hour of the day or night.

The late hour, though a factor which can be considered, would never in and of itself justify detention. Other circumstances must be present. Even considering the character of the neighborhood, with a high incidence of crime, a detention of all persons on the streets at that time would not be allowed. Otherwise all citizens in high crime areas would be subjected to

detention and frisk when out of their homes during evening or night hours. A detention is never warranted according to the courts unless circumstances indicate that this particular person may be presently involved in criminal activity.

Example: Suppose that a report has been made of a burglary at 1 a.m. in an industrial area. Such information does not authorize the detention of all persons in the area at the time. Officers should possess such knowledge as the time of shift changes in warehouses. If a shift changes at 2 a.m. and two men are observed walking casually towards a residential area at 2:10 a.m., or even at 2:45 a.m., detention would not be authorized on the basis of the reported burglary alone. If, however, the men are seen somewhat before the shift change, a stop may be in order. The number of persons usually on the street at that time of night should be taken into consideration. "Wholesale stops" justified only because they may prove productive are not tolerated by the courts.

- (4) The character of the neighborhood suggests that the citizen is suspect

Hippies in a wealthy area might arouse your curiosity but will not alone justify detention. Other evidence

indicating specific criminal behavior must be demonstrated in order to justify a stop.

- (5) The clothing of the suspect bulges in a manner suggesting a concealed weapon.

The courts have recognized that many police officers are so experienced that they can accurately identify a bulge to be a firearm. Such an identification would justify both the detention and the accompanying frisk. The courts will not condone indiscriminate frisks for purposes of weapons confiscation. Thus, courts will often require an adequate description of the bulge, its location on the suspect, and possibly an evaluation of the experience of the detaining officer.

- (6) Proximity to a crime scene.

This must be based on the officer's knowledge that a crime had been committed recently, and that the suspect can be connected to the crime. Again, a stop is not justified unless there is some evidence that this particular person was involved.

- (7) Officer's knowledge of suspect.

Suspect's prior record: a prior record alone will not justify detention. A prior criminal record, however, when considered in the light of other evidence which points to criminal behavior, may be

considered in determining whether authority to detain exists.

Note: A person's failure to answer questions never constitutes, by itself, a ground for detention or arrest. The right to remain silent is constitutionally protected.

b. The frisk.

The law: "We merely hold today that . . . (1) . . . where a police officer observes unusual conduct which leads him reasonably to conclude, in light of his experience, that criminal activity may be afoot, and that the persons with whom he is dealing may be armed and presently dangerous . . . (2) . . . where in the course of his investigating this behavior he identifies himself as a policeman, and makes reasonable inquiries, and . . . (3) . . . where nothing in the initial stages of the encounter serves to dispel his reasonable fear for his own and others' safety, he is entitled, for the protection of himself and others in the area, to conduct a carefully limited search of the outer clothing of such persons in an attempt to discover weapons which might be used to assault him Terry v. Ohio, 392 US 1 (1967).

The court emphasized that no right to frisk exists unless there is also the authority to detain. The authority to detain, however, does not in itself confer the authority to frisk. The frisk is authorized only if (a) the detention is legal, and (b) the person detained is likely to be armed and dangerous.

Circumstances that are to be considered in determining

whether a suspect might be armed and dangerous are (a) the type of crime suspected; (b) the hour of the day or night; (c) the neighborhood, considering the hour, and the exact location in the neighborhood; (d) prior knowledge indicating that the suspect is disposed to violence; (e) the appearance, demeanor, and attitude of the suspect (abusive language may be indicative of violent disposition); and (f) bulges in the clothing of the suspect which suggest a concealed weapon.

Any of the above factors alone might not justify a frisk. An officer's action will be upheld, however, if he acted reasonably. When danger threatens, a police officer is not required to stop and weigh all these factors in his mind. Once he determines that the suspect might be armed, all the law allows at that point is a "frisk."

A legal frisk consists of an external feeling or patting-down of the suspect's outer clothing for the purpose of discovering deadly or dangerous weapons. If the pat-down fails to disclose evidence of a weapon, no further search may be made. If the frisk indicates an object that could be a weapon, she/he may then seize only that object. If the object recovered turns out to be the unlawful weapon suspected, and if the possession of that weapon constitutes a crime, she/he may then arrest for possession of the weapon. Incidental to that arrest, a more extensive search may also be conducted. Anything found which is evidentiary in nature may be seized and will later be admitted into evidence.

c. Translating hunches.

Many bad detentions and illegal arrests are based on good police sense or "hunches." The question often arises whether

detention is authorized in situations where an officer has seen what she/he "knows to be a hot car" or "a guy who she/he feels was responsible for the residential burglaries in an area." Generally such hunches are much more than mere guesses.

It is vital, in order to support a temporary detention, that officers articulate the reasons for their hunches. These reasons will often turn out to be factors or observations which properly substantiate the validity of a detention; example: a poorly-lighted or dirty license plate on a Mustang, where many Mustangs have been stolen by gangs and many are listed on hot sheets, being driven erratically by a juvenile. List these types of factors in some order, including specific observations (or details), association (from the hot sheet), and then, conclusions.

d. Examples of suspect circumstances which do not, alone, warrant a temporary detention.

The following, according to the case law, should arouse a police officer's curiosity but do not in themselves provide sufficient evidence to support a temporary detention. In these situations an officer should carefully observe the "suspect," perhaps follow him/her for a time, until she/he has observed sufficiently suspect activities to warrant a stop. Further observations may, of course, yield no additional evidence.

Examples:

-- Persons loitering in darkened doorways, on dark streets, near parked cars, in the vicinity of a prior incident, about

business establishments near closing time, in and about transportation centers, around locations where crimes have recently been committed should be closely observed.

Officers should watch for the factors that distinguish this activity from innocent behavior. Could there be a valid reason for the person's activities? Is the whole area dark, thus offering no lighted place to stand? Or is the person apparently making an attempt to secrete himself? Is a person loitering near parked cars, nervously looking back and forth apparently waiting for an opportunity to break in? Does she/he quickly move when she/he observes an officer? These are the added factors which would justify a stop.

-- A group of juveniles in a car who watch an officer carefully may arouse his/her curiosity. A stop should not be made, however, unless other factors exist which indicate particular criminal conduct.

-- A slow-moving vehicle with the driver looking around may justify closer observation. Could this be a man waiting for his wife to arrive, or is he a potential burglar casing the area? If factors can be isolated that point to the latter possibility, the person should be stopped.

The basic rule is that an officer must in all cases in his reporting be able to distinguish the suspect's activity from that of an innocent citizen: Irwin v. Superior Court, 103d 423 (1969).

e. In addition to requiring that the detention be limited in time, there are additional practical limitations on the manner in

which the detention is conducted.

First, only a limited restriction may be placed on the suspect's mobility. Questioning, therefore, would occur usually in a public place, normally without transfer of the suspect to another location. If the officer observed a man fleeing from a store, detention plus return to the vicinity of the store for purposes of clarifying the situation would be appropriate. The officer ought not, however, place the suspect within the confines of the patrol car in the absence of such unusual circumstances, such as the threat of bystander interference.

Second, any detention must be only for a brief period of time. Although the courts have not set precise limitations (see Lingo and Willett, *infra*), reasonably brief questioning will be sustained, depending on the purpose for the stop. The period of questioning will not be legal if it extends beyond the time actually necessary to conduct the interrogation.

Third, officers must identify themselves (by words or uniform) as police officers.

Fourth, the nature of the questions should be as general and non-accusatory as possible. The court in People v. Manis, 268 CA2d 72 approved an officer asking for the person's name, address and explanation.

Fifth, officers should be careful that the questioning situation does not appear coercive. For example, it would appear coercive if several officers had surrounded a cowering suspect. If compulsion, "real or threatened" is found by the courts, Miranda warnings would be

required prior to sustaining any further action.

It should be re-emphasized that although sufficient evidence will permit temporary forcible detention for purposes of questioning, it will not allow any compulsion upon the suspect to answer. It is his/her presence, and not his/her answer, that may be compelled. He/she has a constitutional right not to answer. His/her failure to answer may, therefore, not be used to justify an arrest, even though this failure may be indicative of a need for further observation or investigation.

HOW

Developing legal skills for police, particularly beyond the Academy level, is a complex task. This task should be undertaken with sensitivity, regardless of whether the trainer is a member of the department or an outsider. The history of modern day contacts between the police and the courts has led many police officers to conclude that they are the "victims" of a liberal, anti-law and order judiciary. Understanding this psychology/philosophy is critical to a realistic approach to the problems of teaching law to police.

Instruction which consists of relating lists of cases, holdings and corresponding rules, including "do's and don't's," not only will fail to produce an understanding of the law, but is the second most efficient way to alienate the audience. The most effective way is philosophizing about what is "good" and what is "bad" police practice.

Legal instruction must be geared to practicalities, the use of the law in everyday working situations. The essential connection between quick decisions in the field and successful prosecutions must be made clearly and often. Hypotheticals based on language and fact situations within the experience of the audience should be the basis for exposition of the legal principles. (Note: The framework and extent of analysis should vary depending on whether instruction is for the Academy and/or in-service.)

The instructional framework begins step by step, before the officer gets into a car and onto the streets. It should include instruction on gathering data about the beat and recent criminal activity,

knowing what is relevant, how to apply it to a particular situation and how to use it in building a good case. Such information gives a dimension to the initial police observation that is critical to justifying any subsequent action and insuring that any evidence obtained is admissible in court. The officer's strategy after initial observation depends on this information and the desired consequences. Arguably, in some cases, the officer's only objective is to let a particular individual or group "know" of his or her presence in the area. However, because these contacts are generally associated with the criminal activity in the minds of the officer, every effort should be made to insure that any evidence which might result would be admissible in court.

The subsequent steps of instruction are:

1. What is suspect activity?
2. What is suspect activity according to the objective standard imposed by the courts?
3. What quantum of "suspiciousness" is sufficient?
4. In this situation, what additional information is necessary or possible to obtain?
5. What actions to take when the requisite level of suspiciousness has arrived?
6. Is a frisk required or permissible?
7. When does a detention become an arrest? How do I stop the detention from evolving into an arrest?
8. How much detention is permissible?
9. Does detention include movement, some degree of custody, questioning?

Initially, the gap between the courts and the streets may seem unbreachable. The following quotations illustrate the extremes, and should stimulate some class discussion:

1. "There is, of course, nothing unreasonable in an officer's questioning persons outdoors at night. Recognizing, however, that in our society it is not a crime for a citizen to be out after dark, we hold that to permit an officer to justify a search on the ground that 'he didn't feel' that a person on the street at night had any lawful business there, would expose anyone to having his person searched by any suspicious officer no matter how unfounded the suspicions were.

Innocent people, going to or from evening jobs or entertainment, or walking for exercise or enjoyment would suffer along with the occasional criminal who would be turned up." People v. Simon, 45 C.2d 645 (1955)

2. "You know when you have a criminal and when you have John Q. Citizen."

3. "The People interpret the law as if it stood for the proposition that simply because an officer may temporarily 'seize' a suspect, it follows automatically that he may frisk him for weapons."

People v. Simon, ibid.

4. "Being out at night is cause to detain. Anyone out at 3 a.m. is either a milkman, a paper delivery man, a policeman or a burglar."

5. "An officer may not routinely detain every citizen he encounters, even if he has violated some traffic rule, in order to interrogate him about any other possible offense, and then use the

reply to such questioning as an excuse for a search otherwise unlawful." People v. Lingo, 3 CA3d 661 (1970)

6. "You always have a reason to stop a guy if you know your beat."

7. "Police must accustom themselves to the seemingly paradoxical yet fundamental idea of the rule of law; namely, that the observance of legal restraints may indeed make their tasks more difficult. That's how it is in a free society."

Case Law Through Hypotheticals

Note to the instructor: The hypotheticals set forth below should be used as handouts. The cases are some of the most important and illustrative cases in the area to date. They also outline emerging legal theory and present difficult fact situations. These can be the basis for excellent discussions as well as efficient learning, if used properly. The members of the class should not be informed that they are dealing with the leading cases in California in the field. Rather, the facts of each case should be outlined, then discussion should be encouraged concerning the observations of the officers, sufficiency, alternatives, and the reasonableness of the actions. Then, a class member should be asked to orally compose a court's opinion based on the law previously outlined and the discussion. This should be compared with the actual legal opinion, and critical points of similarity or conflict should be discussed, at length. The instructor should keep in mind that not all court opinions are as well-reasoned

as they should be and that, although these opinions may appear to, or in fact, constrain certain aspects of law enforcement, they are the law.

The objective of reviewing the cases is to test the officer's legal understanding and strategy in the streets. In each case the objective of the discussion should be: How could the officer in (a) approaching and treating the situation, and in (b) documenting facts in his arrest report, have otherwise managed the case.

1. Improper Detention -- Occupants of Vehicle

Barber v. Superior Court, 30 CA3d 326 (1973). On September 1972, at 2:45 a.m., while on routine patrol, an Escondido officer saw an occupied car parked on a dirt shoulder of Via Rancho Parkway, east of Highway 395. The officer's routine procedure was to "check" such vehicles. He testified that his purpose was to check on the occupants' well-being. After stopping, he walked up to the car, saw people sleeping, and in no obvious need of assistance. He nevertheless rapped on the left front window. George Barber rolled it down and said everything was fine. Nothing indicated otherwise. The officer asked for identification and was shown a social security card. The officer asked for identification with a birthdate. He went into the car trunk to check for a license which was supposedly in clothing. None was found.

Other officers arrived and began talking to Barber. The first officer radioed for warrant checks. The other officers left. The officer told Barber to wait in the car while the warrant check was

run. Within two minutes the dispatcher radioed that there were no local warrants but that they were still checking elsewhere. Within three to four minutes, five out-of-town misdemeanor warrants showed. The officer called for cover and arrested Barber. Flashing his light into the car's interior, the officer saw a pistol on the driver's seat. A search revealed contraband. Barber was arrested for possession of marijuana, possession of heroin and carrying a loaded weapon.

Held: During the approach (legally parked car) and awakening, the officer neither suspected nor had any basis for suspecting illegal activity. His purpose, to ascertain the well-being of the occupants, was accomplished when he looked in the car and saw the family asleep, and certainly was accomplished when Barber told him everything was okay.

"Detention must be based on a rational suspicion; an objective standard; and specific articulable facts related to criminal activity." Where the request for further identification and the warrant check were prompted only by general curiosity, unrelated to probable cause, it violated both the letter and the spirit of the Fourth Amendment.

2. Improper Detention -- Pedestrians

People v. Hunt, 250 CA2d 311 (1967). In May 1965, at 8:00 a.m. a deputy sheriff, in his car, observed Hunt and another man standing and talking with one another in an alley bordering a service station. The two men walked over to the service station attendant, then walked away from him in opposite directions. The

sheriff asked the attendant if he knew the men and what they were doing. The attendant stated: "No. I was just going to call the police because they had been hanging around and acting suspicious." This was the entire conversation.

Another employee arrived at this time. Because of previous armed robberies, the sheriff thought something was wrong. He called to Hunt to come back, but Hunt did not. The sheriff radioed to another unit in the area to stop Hunt. When the second sheriff saw Hunt in the alley, he ordered him to come to the car. Hunt ignored him and kept on walking. Hunt obeyed the second command. A pat-down yielded a pistol.

Held: If the first sheriff had adequate cause to detain, he could delegate it to another officer. If not, he cannot create it by relaying it to another officer.

The court, however, could find nothing out of the ordinary. A mere subjective suspicion does not justify a detention. The sheriff who detained Hunt gave no basis through his testimony for his opinion. The failure to stop did not supply a reasonable cause to detain and frisk. Hunt was simply walking down an alley. There was no suggestion that he was fleeing or that his behavior was furtive in any way. An arrest or detention cannot be justified on the basis of what is turned up.

3. Improper Detention -- Vehicle

People v. Horton, 14 CA3d 930 (1971). An officer stopped the defendant's car at 1:15 a.m. on the grounds that he suspected that

the defendant was not old enough to be the parent or guardian of the two juveniles in the vehicle and thus was aiding and abetting in violation of a municipal curfew ordinance.

Held: The right of a citizen to drive on a public street with freedom from police interference, unless he is engaged in suspicious conduct associated in some manner with criminality, is a fundamental constitutional right which must be protected by courts. Unusual activity, unless there is some suggestion that it is related to criminality, is insufficient. The officer had no legal cause to stop the vehicle, i.e., not driving above speed limits, not driving erratically, no visible operational defects, no furtive movements.

4. Duration of Detention

a. The court held in Willett v. S. Ct., 2 CA3d 555 (1970), that although there was a proper stop for an equipment violation, the defendant was unreasonably detained for forty minutes to run a records check on him and his passengers, with the absence of any suspicious circumstances (e.g., lights on in the daylight, one tail light out).

Officers were not justified in searching the defendant's car after his arrest on information that he was a former narcotics offender who had failed to notify authorities of a change in address, in that the information was learned after the detention had exceeded constitutional limits. Neither good faith nor hunch allows forty-minute detention without additional facts.

b. In People v. Lingo, 3 CA3d 661 (1970), the defendant was arrested after marijuana was found in a car in which he was a

passenger after the car was stopped for an equipment violation. The driver had an expired license and there was some question about the car's ownership (e.g., Colorado registration in another person's name). The officers noted a radio and phonograph in the back seat, and asked if there were any narcotics in the car. Upon receiving a negative reply, the officers asked for and received permission to search.

Held: While the right to stop, detain and question does not require as much cause as does an arrest, an officer must have some ground for invasion of a citizen's liberty. He may not, routinely and without cause whatsoever, detain every citizen he encounters. Although the car was properly stopped, and defendant consented to search, the police request to do so had been made after the necessary time for detaining defendant and the driver had expired. The police had sufficient time to inquire into the car operated by a driver with an expired license. They were also justified in continuing the detention for examination into the car's title documents, and into equipment which they thought was stolen. However, there was no reason to suspect a narcotics violation.

Once the officers had detained the defendant beyond the time necessary to perform their legitimate functions, he was illegally detained. The subsequent interrogation and request to submit to a search, during a detention without any legitimate grounds, was unlawful and barred the use of information thus secured.

c. In Pendergraft v. Superior Court, 15 CA3d 237 (1972), defendant was seen early one morning standing with a backpack leaning

against a sign. Two police officers asked for his identification so as to determine whether he was a runaway juvenile. His identification established that he was over eighteen, but the officers continued questioning. One officer asked for permission to search the pack. Pendergraft consented, and the search disclosed marijuana.

Held: The defendant matched the description of a runaway; therefore, the detention was valid, although there were no suspicious acts. However, once the defendant had produced satisfactory evidence of his age, and in the absence of other suspicious circumstances, the continued detention became unlawful. Therefore, the use of evidence during unlawful detention is barred despite his consent to the search. A detention is unlawful if based on events which are as consistent with innocence as with criminal activity.

5. Frisk -- Insufficient Facts

In People v. Adam, 1 CA3d 486 (1969), the court held that the People interpret Terry v. Ohio as if it stood for the proposition that simply because an officer may temporarily "seize" a suspect it follows automatically that he may frisk him for weapons. The Terry court went out of its way to negate such a notion. It emphatically said that ". . . the officer must be able to point to specific and articulable facts, which, taken together with rational inferences from those, reasonably warrant that intrusion And in making that assessment it is imperative that the facts be judged against an objective standard; i.e., would the reasonable man in the officer's position believe that he was in danger. Good faith is not enough, or inarticulable hunches."

People v. Adam, supra, involved daylight stop, two officers, suspect was alone and apparently cooperative; driving erratically, he produced proper identification and registration; officers testified that they conducted the frisk because he met the description of a burglary suspect: male, Mexican, 23-26 years of age, 5'10", 160 lbs., black hair.

Even if we interpret his looking for weapons as implying that he did so because he thought that this particular confrontation posed a threat to his safety, rather than that he did so because it is routine, there are no specific and articulable facts from which the court can infer that this fear was a rational one.

6. Frisk -- Sufficient Facts

a. In People v. Anthony, 7 CA3d 751 (1970), officers stopped a car at 3:00 a.m. where an armed robbery had occurred only moments before. The car was in the vicinity. The car was traveling from the scene on one of the few through streets in the area. The driver was wearing a similar jacket to the one the robber wore; (no information on the car); the car was two or three blocks from the scene, and was the only car around. The frisk resulted in a collection of bullets.

b. People v. Superior Court (Simon) 7 CA3d 186. While on night patrol, the arresting officer saw the defendant driving his car down the street without headlights or tail-lights turned on. If the officer halted the vehicle, the defendant got out and momentarily reached under the dashboard. The officer asked for identification, but the defendant was unable to produce either a drivers license or evidence of

vehicle registration. The officer announced that the defendant was under arrest and placed him in custody under the authority of Vehicle Code 403020, because of lack of identification. While admittedly not in fear of any danger to himself, the officer searched the arrestee and felt a soft object in his pocket. Removal of the object revealed a plastic bag containing marijuana. The defendant was then arrested on the additional charge of violating Health and Safety Code 11530.

At a special hearing in the trial court, the defendant succeeded in having the evidence against him, the marijuana, suppressed. The People sought appellate review of this order, and the California Supreme Court accepted the case.

Held: Before the court, the People contended that the officer had a right to search the defendant since he was under arrest for a traffic violation and had been taken into custody under Vehicle Code 40302. The court did not support this proposition. The majority were of the opinion that a person arrested for a vehicle code misdemeanor or on outstanding traffic warrants should not be treated as a common criminal and should not be routinely searched for weapons. A search under these circumstances is justified only when the officer has a reasonable fear that the arrestee is armed, or in the course of making the arrest obtains probable cause to believe that the violator has committed a crime other than the traffic offense.

The court expressed concern over the safety of officers in making traffic stops, but concluded that actual attacks on officers occur in such a small percentage of cases that permitting a routine

search or pat-down for weapons of every traffic violator would be an intolerable intrusion into privacy. Further, the court pointed out that in the ordinary traffic arrest, a search of the driver or his vehicle has no particular object since there are no instrumentalities of the crime for which to search.

Next, the People attempted to persuade the court to uphold the search on the basis that the officer under the authority of Vehicle Code 40302 had taken the defendant into custody and was about to transport him to the jail. It was urged that because the officer was about to place the defendant in the patrol car, the officer had a right to search the suspect for the officer's protection. The court disagreed holding that a search under these conditions could only be justified if the officer had some reasonable and specific basis to fear for his safety.

In passing, the majority commented on whether the lack of license and registration would have given the officer probable cause to arrest the suspect for auto theft. Under the rules of felony arrests, a thorough search of the defendant's car and his person would be proper. The court concluded, however, that mere lack of identification with no further evidence would not permit a lawful arrest for this crime.

UNIT VII: THE POLICE ENVIRONMENT OF FIELD INTERROGATION

WHY

This unit treats the environment of the field contact process. It is aimed at a presentation of the problems that a patrol officer faces as he or she engages in field contact activity.

WHAT

A field contact contains all the pressures and conflicts that are part of your work. The brass, politicians, your supervisor, internal affairs, you, and the public are all there during a field contact, either in person or spirit. Furthermore, there is a real and present threat to your safety and that of others. Lastly, your ego regularly gets battered in the field contact process.

The material that follows bears directly on the frustrations of your job: on the feelings of powerlessness you almost certainly feel, or will feel, from time to time in this job. If you are honest with yourself, in looking at the government on the one hand and the people on the other, you will want to throw up your hands.

1. The Conflicting Demands Placed Upon You in an FI Encounter
 - a. The police department's needs:
 - (1) Get arrests.
 - (2) Get a large number of good FIs to lead to those arrests.
 - (3) Do not give the department problems with police-community relations.

- (4) However, the department also gives you some messages.
 - (a) The department sometimes behaves as if complaints and community relations are not crucial, by sometimes not talking to you seriously about complaints, and by presuming that you are in the right.
 - (b) On the other hand, after several complaints, you may get reassigned, and that is serious.
 - (c) After assuming correct judgment on your part in most complaint encounters, the department seems not to listen when you say, as almost everyone in the department does, that FI quotas are counterproductive to quality. Do you have good judgment or don't you--such conflict is frustrating and engenders a certain anger in people when they encounter it.
- (5) Note also, because it is important, that many believe this department says it admires and responds to:
 - (a) physical strength
 - (b) authoritative control over FI encounters
 - (c) obedience to rules; e.g., quotas
 - (d) a certain undefined investigative skill
- (6) These things tell you something about what the department thinks a "real" police officer is. However, like all organizations, this tells you

something else, that this department is not good at giving clear directions and stating clear expectations. There are a series of conflicts and double messages here, and you must be very aware of them if you are going to do a good job.

For example, research shows that officers who were selected by their watch commanders as "experts" at FI turned out, not coincidentally, to also have unusually low numbers of fights and low numbers of complaints. That finding does not mesh with the supposedly valued attributes of physical strength and control in an authoritarian sense.

b. Your supervisor's needs:

- (1) If he or she cares (most do), your supervisor does not want you to get hurt.
- (2) He or she wants you to help keep a good supervisory record in the department; this may mean any number of things.
- (3) He or she says that you should be concerned about community relations and complaint situations, but it may be unclear as to what that means.
- (4) Because he or she is close to the street, there is a need for your friendship in some sense, and a consciousness of the "we against them" pattern.

c. The society's needs:

(1) The law:

(a) Do not stop citizens without something called "sufficient or reasonable cause," which is subject to differing interpretations.

(b) Stop an infinite number of people from committing an infinite number of crimes.

In case you miss a few offenders, catch them afterwards so they can be successfully prosecuted through a legal process which seemingly no one can successfully understand.

(2) The public will, or sometimes "city hall":

(a) Maintain the peace; does not initiate conflict.

(b) Maintain a record (and appearance) of crime fighting.

d. The FI subject's needs:

(1) To maintain dignity in the face of the authority which you represent. Most often this will mean not showing fear of you.

(2) To get away from you as quickly as possible, for a variety of reasons. Possibly conflicting with this feeling, to get a little human contact with you. There are lots of isolated people in this world; for some of them you are the only real contact.

- (3) If he or she is hiding something, they probably want not to disclose it to you particularly.
 - (4) To receive an understandable explanation for being stopped.
- e. Your own needs:
- (1) To do a good job. If you are honest with yourself, however, you do not really know what that means: tension between "crime fighting" and keeping the peace; between the law and what you believe you know to be true about certain people on the street. The truth, moreover, is that nobody who is informed and honest is sure what it means to be a good cop, and you are in very good company if you spend time thinking about it.
 - (2) Not to get hurt, either your body or your ego.
 - (3) To be respected by citizens, peers, and supervisors, not to mention yourself, family, and friends.
 - (4) To advance in the department.
 - (5) Finally, a large portion of you are in the job because you enjoy contact with other human beings, and police work seemed to afford you that contact.

2. Dealing with the Conflicts

- a. Several things should be clear.
- (1) All of the needs outlined above are real and deserving of your attention.

- (2) It is (and will be) impossible to meet even a majority of the needs at any one time.
- (3) The conflicts among the needs are not resolvable. They reflect basic and essential personal, organizational, and societal needs that are inevitably in conflict with each other to some degree. Very often, unfortunately, you sit in the middle.

b. Working with the conflicts:

- (1) Be honest with yourself about them. For example, be honest about the fact that some of your most basic and important instructions from society and the department are to go out and coerce people on the street into telling you things; i.e., the "slick detective" trip. Coercion and genuine human contact are two things you will not frequently find in the same place. Coercion is in direct conflict with another set of instructions you are receiving, from several levels, including your own needs and those of the person you are stopping.
- (2) Accept your own essential responsibility in all this. Ultimately you, and you alone, have to decide how you will relate with people on the street. No organization will ever give you unconflicting instructions free of all conflict, although some jobs are easier in this regard. For example, detectives

receive clearer instructions than patrol officers, and that is one big reason why lots of people prefer that work.

Whether or not the department is ever able to clarify its instructions, the responsibility will always be yours to develop or decide upon an intelligent strategy to deal with the conflicts. FI skills are blind, without judgment or discrimination of their own. You will have to think about them and add your own judgment to use them well.

HOW

This unit presents the trainees with the varying and often conflicting demands and needs that are present in a field contact, or interrogation. No effort is made to resolve the double messages, or to provide an easy solution. Rather, each individual is urged to recognize and discuss the tensions in his or her job, and the need to face squarely each person's own responsibility for his or her actions.

In particular, this unit deals with the conflicting demands placed upon the patrol officer in a field contact encounter. Discussion involves the department's needs, the needs of the supervisor, the needs of local government, legal constraints, and the needs of the police officer. The conflicts and double messages occasioned by these needs are best illustrated by an extended discussion period, during or after the presentation. This will typically take the form of a "gripe session" devoted to the grievance system, the department's pattern of supervision and administrative control, and related issues.

Discussion

1. How do you feel about these conflicts?
2. Do you understand that the conflicts are inevitable, that you will always have double messages, that it is okay and proper to feel angry about them, but it is much too simple to simply choose a single set of alternatives and always operate on them?
3. Role and function of a police department; officer?
4. Crime fighting and peacekeeping tensions.

5. Feelings of 'we against them' and the effect they have on your street contacts.
6. Quotas; complaints.
7. Complaint procedures.

UNIT VIII: COMMUNICATION WORKSHOPS FOR FIELD INTERROGATION

WHY

The purposes of this unit are to increase officers' awareness of their field contact styles, its strengths and problem areas; to clarify officers' intentions in the field contact process; to quickly identify the kinds of impact officers are having on different citizens; to develop ways of making that impact match officers' intentions; and to develop new approaches to counterbalance the problem areas of their style.

WHAT

Underlying Theory of Communication Workshops: Intent-Impact

An FI is not a one-sided event which a police officer can do well if he or she says "A through H." An FI is an interaction which the police do with the citizen rather than an act they do to the citizen. It is important that the officer understand what the interviewee brings to the communication as well as what the officer brings to it.

It would be nice to interact with people as they should be. For example, if an officer conducts a pleasant FI he or she might expect certain satisfying responses. But in reality we deal with people as they are, not as they should be. The officer must deal with all the different fears, prejudices, ideas and stereotypes that each citizen carries, even when these are "unreasonable." These are the "baggage" of every citizen and will be encountered in some form in every FI.

Therefore, to be trained in communication skills, the police officer must develop skills not only in performing his or her half of the communication, but perception skills to understand more of the other half of the communication: the interviewee.

There is no objective view of an FI: There is the interplay of two realities:

1. The reality of the police officer--involving what he or she wants from and plans to do with the citizen. This includes the police officer's own collection of experiences (ideas, fears, beliefs, stereotypes).

2. The reality of the citizen--involving the impact that the officer's style made.

The impact that the officer will have depends on two things:

1. The officer's approach, how and what the officer puts across;
2. The citizen's collection of experiences (stereotypes, ideas, fears).

Training for communication skills will stress these three areas:

1. Learning skills for the officer to put across what he or she wants in the way he or she wants to do it.

2. Finding ways of reading the "baggage" of the interviewee so that the officer can assess his or her impact.

3. Ways of making his or her impact match intentions more closely.

COMMUNICATION WORKSHOPS SCHEDULE

<p>RIS* (1-1/2 hour segments)</p> <p><u>1</u> <u>POLICE INITIAL INTENTIONS</u></p> <p>Guided Discussion and Videotape Analysis</p> <p>(1) Guidelines for Workshops</p> <p>(2) Individual Styles strengths trouble spots (prepared videotape)</p>	<p><u>1-A</u> <u>UNDERSTANDING THE INTERVIEWEE</u></p> <p>Videotape Feedback (prepared tapes)</p> <p>Reading Nonverbal Cues</p> <p>Signs of Stress</p> <p>Hearing messages in content, gestures, voice tones</p>	<p><u>1-B</u> <u>DEVELOPING POLICE INTENTIONS</u></p> <p>Role-Playing (which will be videotaped)</p> <p>Two situations:</p> <p>(a) information - P.R.</p> <p>(b) suspicious - safety problem - arrest</p>	<p><u>2</u> <u>AWARENESS OF IMPACT ON INTERVIEWEE</u></p> <p>Videotape Analysis</p> <p>Feedback from role-playing in Workshop 1-B</p>	<p><u>3</u> <u>COMMUNICATION SKILLS IN CRITICAL SITUATIONS AND LISTENING SKILLS</u></p> <p>Role-Playing Triads</p> <p>(1) Difficult People</p> <p>(2) Difficult Situations</p> <p>(3) Difficult Spots Within FI</p>	<p><u>4</u> <u>CONCLUDING DISCUSSION OF HOW TO MATCH IMPACT WITH INTENT</u></p> <p>Guided Feedback and Discussion</p>
<p>AIS** (2-1/2 hour segments)</p> <p><u>1</u> <u>POLICE INITIAL INTENTIONS</u></p> <p>Guided Discussion and Videotape Analysis</p> <p>(1) Guidelines for Workshops</p> <p>(2) Individual Styles a. strengths b. trouble spots</p> <p>(3) Critical Areas</p>			<p><u>2</u> <u>AWARENESS OF IMPACT ON INTERVIEWEE</u></p> <p>Videotape Analysis</p> <p>Feedback from field experience:</p> <p>(a) interviewee feedback</p> <p>(b) video excerpts of own FIs</p>	<p><u>3</u> <u>COMMUNICATION SKILLS IN CRITICAL SITUATIONS AND LISTENING SKILLS</u></p> <p>Role-Playing Triads</p> <p>(1) Difficult People</p> <p>(2) Difficult Situations</p> <p>(3) Difficult Spots Within FI</p>	<p><u>4</u> <u>CONCLUDING DISCUSSION OF HOW TO MATCH IMPACT WITH INTENT</u></p> <p>Guided Feedback and Discussion</p>

*Recruit in Service
**Advanced in Service

HOW

The dynamics of successful field contact interaction skills should be presented in four workshops. (An additional two workshops can be presented to recent graduates of the academy: Workshops 1-A and 1-B.) These workshops begin with (1) some explanation of the concepts; proceed with (2) experiential examples derived from actual field interrogations on videotape; include (3) structured exercises, primarily involving role-playing, so that officers can practice critical incidents; and conclude with (4) guided feedback on individual officers' interview styles.

The communication workshops must be conducted by someone trained in group facilitation and leadership. Some minimal training is required. The group interaction required to increase communications awareness involves sensitive areas; therefore, guidelines need to be established about carry-over discussion of workshop material into the field.

This unit is organized with modifications to allow for the differences between training officers in the Academy, or shortly after field assignment, and advanced in-service training. Because of the build-up of tensions and the high number of learning situations afforded the officer during the first months out of the Academy, it is suggested that officers receive one and one-half hour training sessions, four of these spanning the first months after probation is completed.

Workshop One: Initial Police Intentions

Primary method: Guided Discussion

Note: Setting a proper attitude is the most important part of this first workshop. The attitude expressed by the facilitator, in words and actions, is essential to setting the group attitude. The facilitator must be willing to be a role model for the group. In asking other officers to be open about areas that they have difficulty in, the facilitator should be open with comments about his or her own trouble spots. Often, the facilitator will have to "go first" to set the tone in the groups. Also, the facilitator should stress sharing and awareness and discourage negative criticism and judgments.

1. Setting the Guidelines for the Workshops

Aims: No one style of FI is "the best" style. We are interested in having each patrol officer learn more about his or her own style. What are its strengths and problem areas? What impact does the style have on the interviewee? Is the impact the one intended? The aims of the workshops are: to increase the patrol officer's awareness of his or her style; to explore ways of making the impact on the interviewee conform to the intended impact; to increase style choices by providing ways to counter problems in existing style while retaining its strengths; and to share feelings and perspectives with other patrol officers.

a. Transferability

In police work it is critical to maintain control. These workshops offer a place for officers to let go of some control and explore

difficult situations. It is helpful to have a place to question and explore different styles. This special type of exploration, however, should not be encouraged in the field where the officer's instincts are important. Partners ought to bring feedback from the field into the group, but (unless both agree to discussion while riding) ought not to give group feedback to officers in the field. Hopefully, suggestions from feedback will be practiced in role-playing sessions and in that way become integrated into officers' styles.

b. Trust

It is important to stress the difference between feedback which involves constructive criticism and judgments which involve "better-than-you" or "right/wrong" statements. These workshops encourage open feedback. Feedback is necessary for increased awareness and skill. There is no room in the workshops for judgments. Judgments only prevent learning. Also, some group agreement about confidentiality may prove important.

2. Individual Styles

While there are some general skills necessary to an effective FI, each patrol officer balances these skills in different ways. Some basic communication skills to present for consideration are: good safety, ability to listen, ability to explain, ability to ask open-ended questions, ability to maintain personal control, ability to close on a positive note.

Ask each officer in the room to describe his or her own style. Ask them to think particularly about their attitudes toward

different situations (e.g., do they try to come on low-key?; do they come on strong first?; what are the advantages and disadvantages they see of the different aspects of their styles?)

Advanced officers who have been patrol officers for two years will have a ready knowledge of their own styles. Officers recently out of the Academy will be developing a style. For these officers, the goal is to help them see and explore all the style options available to them. Thus, a series of videotape segments should be shown to initiate the discussion of styles. Then each officer will be asked to talk about those actions and attitudes which he or she identified with and would want to practice developing.

During this first session gently discourage feedback that others may want to offer about an officer's style. This workshop is designed to force each officer to begin thinking about his or her version of what he or she does and wants to do. The second workshop will focus on how others experience each officer's style.

3. Critical Areas

As officers describe their styles, they will probably touch on the fact that their style varies in different situations. Encourage each one to think about what the uneasy or troublesome situations for them are. Who is the most difficult type of person to FI (e.g., Blacks, nasty women)? What situations are the most troublesome (e.g., certain kinds of arrests, personal insults)? What are the most difficult moments within any given FI (e.g., a pat-down, moving from a friendly opening into a suspicion for arrest)?

Again, stress that this session is geared toward awareness. Do not aim at "solving" difficult situations or giving advice on what to do. The objective of this session is simply to make each officer aware of the strong areas and trouble spots in his or her FIs.

Workshop One-A: Understanding the Interviewee

Primary method: Videotape Feedback

Purpose: The primary purpose of this workshop is to give the new police officer an experience of seeing and feeling the different kinds of attitudes and "baggage" that the citizen carries into an FI.

Theory: The facilitator should point out again the importance of perceiving the attitudes and point of view of the citizen as he or she is, not as he or she should be. Every citizen carries "baggage." The more easily the officer can interpret the citizen's point of view, the more easily the officer can adapt an approach to that interviewee to obtain maximum information with least annoyance.

Therefore, criticizing an interviewee's attitudes, trying to determine "why" they are held, or debating whether attitudes are right or wrong, are all irrelevant. The point is that a citizen brings attitudes, right or wrong, into the interview, and the more skilled the officer is at perceiving them, the more effective the officer can be in handling them.

Format: This workshop revolves primarily around a series of videotape segments. These segments are selected interactions from a number of field interrogations. The segments show the interviewee expressing a variety of attitudes and emotions.

The facilitator guides a discussion of perceiving the point of view of the citizen in two major ways:

1. Non-Verbal Cues: Officers look at the messages communicated without words; particularly at eye contact, posture, body movements. (E.g., some citizens attempt to gain control by strategic positioning, by footwork and clenched fists.) Officers look at the effect of their distance from the interviewee as well as simple messages given by physical appearance.

2. Verbal Messages: Aside from content, there are other verbal cues to understanding the citizen's attitudes. Voice tone and speech patterns are two important signs which are analyzed in the tapes. Most of the segments selected will show different kinds of stress expressed by the citizen. Throughout the tape analysis discussion, the facilitator will set up short role-playing situations duplicating some of these stress scenes. The officer plays the role of the interviewee and tries to duplicate the non-verbal signs and manners of speech the citizen uses.

The facilitator will then explore two important questions:

- a. How did it feel to be acting that way?; and
- b. What could an officer have done to alleviate the stress felt?

These questions, and the workshop as a whole, should lead the officers to broader understanding of the attitudes of citizens during FIs and creative ways to assess their impact and handle stressful situations.

Workshop One-B: Developing Police Intentions

Primary method: Role-Playing, which will be videotaped.

Purpose: This workshop is designed to help the new officer develop his or her own particular style. It is not to be used for feedback at this time.

Theory: Each officer has unique approaches to FI situations. Watching themselves role-play FI situations will allow officers to refine their understanding of their strengths and weaknesses as an interviewer. No one style is correct. The stress of this workshop is on awareness of the strengths and weaknesses of each style.

Format: Two role-play situations will be set up with specific details:

1. The stop is essentially an informational-P.R. stop.
2. The person is stopped under suspicious circumstances--an arrest may result.

Every officer will have five minutes to role-play each situation. One facilitator will play the citizen in all the role-plays, with the instructions to respond to each officer's style as he or she would, given the details of role and character.

This workshop is geared to help the new officer develop a particular style. It is not set up for feedback at this time.

Workshop Two: Awareness of Impact on Interviewee

Primary method: Videotape Analysis

Purpose: The purpose of this session is to provide the officer

with critical information; i.e., how the officer's style is received by others. The receiver of the interview is used as an expert on what he or she felt went on. Therefore, the officer learns what his or her impact was.

The facilitator here should be particularly attuned to who in the group wants substantial feedback and who is not open to this kind of exploration. Since there is not time for in-depth feedback for each officer, and since it is important not to intrude upon any officer's privacy, the facilitator should focus on those clearly willing to explore their styles, and give less feedback to those who are unwilling.

Theory: Guided feedback is extremely helpful in enhancing communication skills. Here the officer gets a chance to examine the impact his or her style has on others. Without actual feedback, the officer must simply assume what the impact is. Research indicates that most people assume that the impact of their communication is what they intended it to be. Research also indicates, however, that when these communications are analyzed, there is frequently a discrepancy between what the speaker intended and the actual impact. This workshop offers feedback on the impact of each officer's style, and explores where, and in what ways, it differs from intentions.

Format: Each officer has available a videotaped segment of himself or herself conducting the FI. As these segments are played, the impact is reviewed by:

1. The subject interviewed at the field experience who is present and discusses the impact of different moves and comments. What increased trust? What increased stress? What annoyed the subject most about the style? What affected the subject most positively?

2. The other officers are asked to comment on the impact of that style on them.

3. Finally, the officer viewing himself or herself is asked to look at the tape again as though he or she were the citizen. What impact did the different actions and statements have?

It is important in guiding the feedback to encourage constructive criticism and cut off any judgments.

Workshop Three: Communication Skills in Critical Situations, and
Listening Skills

Primary method: Role-Playing in Triads

Purpose: This workshop progresses from awareness to skill development and practice. Each officer has now explored the strengths and weaknesses of his or her own style and has discussed those situations which are difficult. In this workshop, officers have an opportunity to practice handling some of these situations.

Theory: Recent research indicates that this kind of practice role-playing in individual problem areas has proved to be extremely effective in a number of fields, with seventy percent of the people reporting a new perspective and ability to handle the situation when it arose. By role-playing successful solutions to problem situations,

officers can acquire tools to create more positive relationships with citizens and avoid common difficulties.

Format: Trainees are divided into groups of three. One person plays himself in the FI situation he or she has identified as the most difficult. Another is assigned the difficulty-causing role in the situation. The third is the listener. For example, the officer has difficulties not insulting rude, loud women. The officer plays the officer. The second member plays a rude, loud woman who taunts the officer to lose his or her temper. The officer practices various approaches to calm her down while getting the information needed. It should be emphasized to all those taking the role of interviewees that if the officer "reaches" the citizen (e.g., makes the woman feel calmer), the citizen should express those feelings.

After the role-playing, the listener relates all heard: both points of view as well as factual material. The three discuss the role-play. In giving feedback, the other two trainees may try their own different approaches to dealing with the same problem to show the officer more alternatives. Each member should play out difficult situations and practice new approaches to them.

Workshop Four: Concluding Discussion of How to Match Impact with Intent

Primary method: Guided Feedback and Discussion

Purpose: This workshop is to tie up loose ends and get feedback and ideas, especially from the group members who have been quiet.

Theory: Review and consolidation of new techniques and new

perspectives is an important final step in the workshop series. It stresses transfer of learning from the group back to the field. It is important that all trainees leave with something positive they can work with and that no one feels unduly criticized or negative about their style.

Format: Officers individually share what they have learned and the ways in which they feel they can now make their own styles more effective in the field.

Facilitators should ask the following two questions of each officer present:

1. In what particular situation did you notice that your impact was not really what you intended?
2. What new approaches to this situation do you now want to try out in the field?

At the conclusion, some time may be set aside for general evaluation of the entire unit.

ATTENTION

UNIT IX IS CONTROVERSIAL, AND REQUIRES CAREFUL THOUGHT AND PLANNING. IT IS PRESENTED HERE BECAUSE IT HAS WORKED EFFECTIVELY. THIS TRAINING, HOWEVER, REQUIRES GREAT CARE! THEREFORE, IT IS CONSIDERED OPTIONAL.

UNIT IX: EXPERIENTIAL FIELD TRAINING

WHY

This unit's purpose is to help officers develop an understanding of how citizens feel when they are field interrogated, and to enhance officers' safety procedures, questioning techniques and observation abilities. Also, this unit is to motivate officers to be receptive and involved in field interrogation training.

WHAT

Officers will be field contacted, as citizens, by other police officers. For recruits this will be staged with volunteer police officers in the department. For in-service trainees this will be arranged in an adjacent city. The officers will have a cover story and identification, and will be interviewed in depth, after the contact, by a fellow officer. This interview should be recorded.

HOW

Each trainee should prepare his or her own "cover story." This scenario will provide an identity and reason for being in the host city as well as certain other facts which relate to the circumstances of the field contact. Arrangements should be made to "plug" the host department's computer information systems so that there is a predictable response to information queries on trainees. Trainees should be accompanied into the field by a partner. Each trainee should attempt to be interrogated in the field at least once, and preferably several or more times.

Additionally, each trainee should be requested to interview at least one local cab driver, one bartender, and three "street types" in the host city. The purpose of these extra interviews is to help determine and supplement citizen perceptions as to the overall field contact style of the host police department. Trainees should be urged to employ their time usefully. Every effort should be made to play the role of a citizen and increase sensitivity to how citizens perceive police activity.

Arrangements should be made to "stimulate" an appropriate field contact with the trainee. Situations should be selected on the basis of realism and safety. Care should be taken against the possibility of danger not only from host department officers, but from host city citizens, and especially from proprietors of retail establishments. Headquarters should be established for purposes of maintaining continued contact with trainees, answering questions, treating unfore-

seen events or problems, and briefing and debriefing sessions. Trainees should be urged to report frequently.

Each trainee should carry an identification card from the department and bring his or her police badge. The badge should be kept by the partner of the trainee to be interrogated. The identification card should be concealed between the right shoe and stocking of the trainee in order that it might be used, if necessary, to identify the trainee as a police officer. During the field interrogation, the partner of the interrogated trainee should keep the field interview under complete visual surveillance. If anything occurs that appears likely to result in an embarrassing or dangerous situation, the observing trainee should quickly make his or her presence and identification known to the interrogating officer by walking up to the scene of the contact and displaying a badge and identification card. He or she should explain the field experience and ask the officer to keep the incident confidential in order to preserve the integrity of the experiment. If the officer is still unsatisfied with the explanation, he or she should be advised to contact the watch commander.

In any event, every effort should be made to avoid taunting or baiting the interrogating officer, instigating a physical confrontation, inciting bystanders, or in any way chancing an "incident." To achieve stated training goals of increased sensitivity to citizen perceptions, the officers should be "on duty" during the field experiences.

If it is at all possible, moreover, the field interrogation should be allowed to take its normal course, and conclude without

revelation of the identity of the subject, or the hidden partner. Thus, the above mentioned "fail-safe" procedures should be called into play only if the situation requires.

At the close of an uninterrupted field contact, the trainee should immediately be interviewed, according to the attached interview schedule. The trainee's partner should conduct the interview, and the interview should be recorded with a small cassette recorder. The results of all the interviews and observations, as well as related research, should be summarized and presented to the chief of the host police department.

INTERVIEW SCHEDULE

for Observation of Field Experience

Following the simulated field interrogation, the following questions should be answered clearly and completely, and recorded with a cassette tape recorder.

1. Basic Facts: Training Officer: Interviewing Officer:
Date: Time: Location:
2. The Call: (Describe the assignment given to the interrogating officer.)
3. Circumstances of Stop: (Include apparent and stated reason; number of officers; number of bystanders; any unusual circumstances; what you were doing when the officer arrived, etc.)
4. Approach: (Include comments on greeting, safety, use of car and equipment, pat-down and explanation for pat-down, space intrusion if any, line of questioning, attitude, and positioning or point-of-interrogation.)

5. Explanation for Stop: (Include reason and timing of explanation, adequacy of explanation, accuracy of explanation, and credibility of explanation.)

6. Non-Verbal Communications: (Include body position, hand and arm gestures, facial expressions, body movements, timing and use of notebook, and sincerity of explanation; did the non-verbal communication suggest any fear, hostility, or insensibility to the person being interrogated?)

7. Early Attitude Evaluation: (What did officer appear to feel about subject?)

8. Intent of Interrogating Officer's Overall Communications.

9. Impact of Interrogating Officer's Overall Communications.

10. Related Circumstances: (Include lighting, noise, neighborhood, radio use, presence of other officers, length and relevance of interrogation, timing and use of notebook, other intrusions or interruptions, etc.)

11. Scope of Questioning: (Include perceived value to detective bureau, beat value, truthfulness, completeness, probable cause pursuit, whether an FI slip was filled out, etc.)

12. Evaluation of Police-Community Relations Issues: (Include what kind of relation, how good, what level, and any relevant commentary; did the officer appear concerned over the effect of his interrogation on bystanders or the interviewee?)



CONTINUED

1 OF 2

13. Posture of Contact: (Was field contact person to person, police officer to citizen, authoritarian police officer to suspect, or officious police officer to perpetrator, or other; should greater P.R. sensitivity have been shown?)

14. Length of Contact: (Include evaluation of duration.)

15. Closing: (Include how done, effect on attitudes and safety; timing, in terms of completeness of information obtained; apparent attitude at ending.)

16. Evaluation of Contact on Subject: (Include subject's feelings when stopped, subject's feelings during contact and after contact; subject's feelings about interrogating officer, about host department, and about host city; subject's feelings about field interrogation procedures; subject's feelings about himself during the contact and after contact.)

17. Complaints: (If you were an ordinary citizen, would you be unhappy about the way in which the contact was handled?)

18. Differences with Your Department Procedures.

19. What Learned From Experience.

20. General Remarks: (Include comparisons with subject's own style, etc.)

21. Observing Partner's Comments: (Include observations of safety, appearances, demeanor, and general remarks concerning subject.)

UNIT X: EVALUATIONWHY

To allow each group of trainees who undergo field interrogation training to evaluate the training curriculum, suggest new and constructive changes, and enhance the accountability of the training program to training objectives.

WHAT

Evaluation should be concerned with:

1. Relevancy of material (high, medium, low).
2. Quality of material (high, medium, low).
3. Amount of time assigned to material (high, medium, low).
4. Caliber of instruction (high, medium, low).
5. Suggestions for change, additions, etc.
6. Commentary of trainees.

HOW

Each group of trainees should have the opportunity of discussing their evaluation of the training as a group. Furthermore, each trainee should have the opportunity of filling in a written and unsigned evaluation questionnaire.

END