

Date Revised: 09/09/19

Course Goal: To introduce the recruit officers to detentions.

Learning Objective:

- Differentiate between detention and consensual encounter [\[15.3.A\]](#)
- Recognize reasonable suspicion [\[15.3.B\]](#)
- Recognize appropriate peace officer actions during detentions [\[15.3.C\]](#)
- Recognize the scope and conditions for warrantless searches and seizures during detention [\[15.3.D\]](#)
- Recognize where the use of force or physical restraint is appropriate during a detention [\[15.3.E\]](#)

Session Time: 3 Hours

Resources:	
<ul style="list-style-type: none"> • Classroom with tables • Overhead projector • Computer with multimedia software and Microsoft PowerPoint • Handout: SPICE / PePPER Chart (Blank) 	
Summary: The instructor will lead a facilitated discussion accompanied with learning activities with the whole class.	
Outline	Instructor's Notes
I. Detentions A. Detentions 1. Definition a. An assertion of authority by a peace officer that would cause a reasonable person to believe they are not free to leave. b. Requires reasonable suspicion c. Limited in scope, intensity, and duration d. It is less than an arrest and more substantial than a consensual encounter 2. Consensual Encounter vs Detention [15.3.A] a. Encounter can start off consensual	TTS 15.3.A, 15.3.B, 15.3.C, 15.3.E (1.5 Hours) Run learning activity # 1 - Detentions in conjunction with PowerPoint Slides 2 – 15. Note: See last page for learning activity # 1

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- and even ask for permission to see ID.
 - b. Once officer refuses or fails to return ID upon request, encounter rises to detention.
 - c. Example: Officers shining spotlight and asking if everything is ok vs giving commands to come over and speak with them.
- B. Reasonable Suspicion [\[15.3.B\]](#)
1. Definition
 - a. Enough facts and circumstances to make it reasonable to suspect that criminal activity is occurring and the person detained is connected to that activity.
 - b. Reasonable suspicion must exist to make a detention.
 2. Basis for reasonable suspicion
 - a. Observation, personal training and experience, or information from eyewitnesses, victims, or other officers (totality of the circumstances).
 - b. Must be more than a hunch.
 3. Contributing factors
 - a. Appearance or condition of a person (intoxicated, resemblance to wanted person)
 - b. Actions (hiding objects, furtive movements, running from a crime scene)
 - c. Driving behaviors
 - d. Knowledge of the person's "history" (criminal record or conduct)
 - e. Demeanor (non-responsive, nervous)
 - f. Time of day (unusualness)
 - g. Location of the stop (near crime scene, known criminal activity in area)
 - h. Officer training and experience

<p>(modus operandi, expertise in certain area such as narcotics or gang activity)</p> <ul style="list-style-type: none">i. Note: flight alone is not enough for reasonable suspicion <p>4. Reliable Source</p> <ul style="list-style-type: none">a. Can use information from others to investigate possible criminal action and detainb. Information does not have to come from a proven reliable source and the tip may support the detentionc. A purely anonymous tip will normally not provide a sufficient basis to detain but can if collaborated with other circumstances.d. Tip can be upheld if it poses grave or immediate risk to public, such as DUI. <p>C. Appropriate Actions During Detention</p> <p>[15.3.C]</p> <p>1. Common Actions</p> <ul style="list-style-type: none">a. Questioning the person about identity and conductb. Contacting other individuals (e.g. witnesses) to confirm explanations, verifying identification, or determining whether the person is wanted (warrant check)c. Checking premises, examining objects, or contacting neighbors or other individuals to determine whether a crime (e.g., burglary) actually occurredd. Bringing the victim to the suspect for identification purposes <p>2. Length of Detention</p> <ul style="list-style-type: none">a. Must be temporary and last no longer than is necessary to resolve the reason for the stopb. Often suspects actions can extend detention or even provide probable	
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<p>cause for arrest</p> <ol style="list-style-type: none">1) Evasiveness2) Nervousness3) Conduct <p>c. Person must be released if answers all questions satisfactorily so that suspicion decreases or disappears</p> <p>3. Transporting During Detention</p> <ol style="list-style-type: none">a. A detained person can be considered under arrest if transported without consent.b. Officers should not transport during detention unless:<ol style="list-style-type: none">1) Detainee gives permission2) Impractical to bring the witness/victim to the detainee's location3) Conditions of the detention are dangerous to the person4) Conditions of the detention are dangerous to the officer(s)5) Independent probable cause exists to arrest the subject <p>4. Refusal to answer questions</p> <ol style="list-style-type: none">a. Detainee is not obligated to answer any questionsb. Refusal alone is not enough for probable cause.c. A person who flees from a lawful detention or intentionally gives misleading/incorrect answers may be arrested for violating PC 148 (resisting, delaying, or obstructing any officer), provided that the action delayed or obstructed the investigation <p>D. Searches and Seizures During Detention</p> <p><u>[15.3.D]</u></p> <ol style="list-style-type: none">1. Pat down/cursory searches<ol style="list-style-type: none">a. Must have specific facts that cause officer to believe person is armed	<p><u>TTS 15.3.D (1.5 Hours)</u></p> <p>Run learning activity # 2 - Searches During Detentions in conjunction with PowerPoint Slides 16 - 32.</p> <p>Note: See last page for learning activity # 2</p>
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<p>and/or dangerous.</p> <ul style="list-style-type: none">b. Scope of search is limited to:<ul style="list-style-type: none">1) Frisk of the outer clothing2) Locate possible weapons3) Not a search for evidence or contrabandc. Officers can manipulate objects but must stop once they realize it is not a weapon or cannot be used as a weapon.d. SPICE/PPPer Chart [LAPD specific] <p>2. Conditions</p> <ul style="list-style-type: none">a. Officers must be able to articulate specific facts which caused them to reasonably believe the person might be carrying a weapon or dangerous instrument.b. Factors that support a person carrying a weapon or dangerous instrument:<ul style="list-style-type: none">1) Person's clothing (e.g., a bulge in clothing, or wearing a heavy coat while hot)2) Person's actions (e.g., trying to hide something or being overly nervous)3) Prior knowledge of person for carrying weapons or of violent behavior4) Isolated location so officers are unlikely to receive immediate aid if attacked5) Time of day (e.g., a dark night may increase likelihood that the officer may be attacked)6) Reason for detention (e.g., serious, violent, or armed offense)7) Similar cursory/pat search of a detainee's companion revealed a weapon	<p>Fill out SPICE / PPPer Chart involving pat down searches</p>
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<p>8) Ratio of individuals to officers</p> <p>3. Discovery</p> <p>a. If officers discover an object that can be used as a weapon, they have a right to remove it from that person.</p> <p>1) Includes legal objects, such as screwdrivers and pocket knives.</p> <p>2) Containers capable of containing weapons or dangerous instruments can be removed and opened.</p> <p>b. If contraband is discovered during cursory/pat down search, officers should follow appropriate procedures to arrest.</p> <p>E. Use of Force/Physical Restraint During Detention [15.3.E]</p> <p>1. If a person attempts to leave during a detention, officers may use reasonable force and/or physical restraints to compel the person to remain.</p> <p>2. Uncooperative individuals may be:</p> <p>a. Handcuffed, and/or</p> <p>b. Placed in a patrol vehicle.</p> <ul style="list-style-type: none">• LAPD: Do not violate constitutional rights• LAPD: Follow code of ethics and exercise core values	
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Learning Activity # 1 - Detentions

Purpose: To introduce and understand terminology and factors that contribute to detentions.

Description:

1. Divide the class into learning teams.
2. **Assign** each team one of the following topics:
 - a. Definition of detention
 - b. Consensual encounter vs detention
 - c. Reasonable suspicion
 - d. Contributing factors
 - e. Common investigate actions
 - f. Length of a detention
 - g. Transporting detainees
 - h. Refusal to answer questions
 - i. Resisting, delaying, or obstructing a peace officer
 - j. Use of force / Physical restraint during a detention
3. Have the learning teams **discuss** their topics and develop examples and/or scenarios to describe their topic.
4. Have learning teams **write** their examples on **poster paper with markers**.
5. Encourage the learning teams to develop comprehension questions on their topic to randomly ask the class after their presentation.
6. Have the learning teams determine what additional information / factors were needed for the initial role play (from Consensual Encounters module) in order for the officers to detain
7. Have the learning teams **present** their topics and ensure to discuss the following:
 - a. Differentiate between a consensual encounter and detention.
 - b. Recognize reasonable suspicion.
 - i. Explain common and incorrect verbiage used in the field is, “PC to stop.” There is no such concept as “PC to stop” and should refrain from such jargon. Correct terminology is “reasonable suspicion to stop.”
 - c. Appropriate actions during detentions
 - d. Recognize conditions where the use of force or physical restraint is appropriate during a detention.
 - e. Constitutional requirements
 - i. Do not violate constitutional rights
 - ii. Exercise core values during detention
 - f. Avoid discussion of searches during detention as this topic will be covered in the next exercise.
8. **Show** video, “What is Required for a Legal Detention”: This video discusses what is required for legal detentions and police officer actions during such contacts.
9. **Show** the two scenario videos to test the recruits’ understanding of detentions
10. By end of learning activity, verify class understands the scenario from consensual encounter lesson plan was not a detention.

Resources needed:

- Classroom
- Projector
- Computer with multimedia software

Handouts:

- None

Time required: 1.5 Hours

Learning Activity # 2 – Searches During Detentions

Purpose: To introduce recruits to searches during detentions.

Description:

1. Referring to the consensual encounter role play exercise, **Ask** if a pat down was justified whether or not one was done.
2. **Ask** if everyone knows what a pat down search is. Provide definition.
3. **Ask** what more was needed to conduct a pat down search.
4. **Show** pat down / frisk video clip 1
 - a. Have the **recruits discuss**
 - b. Prior to showing video, **provide disclaimer** that the videos are utilized for training and learning purposes. The actions depicted in the clips are in no way meant to judge the officers' character.

Video: Southeast Area

The video depicts officers detaining two suspects after one of the suspects discarded “something” upon observing the officers. Once detained, an officer conducted a “routine” search of the suspects for weapons. During the course of the search, the officer recovered a plastic zip lock baggie that contained off white substance resembling cocaine

The officers had a legal detention based on the suspect's suspicious behavior upon observing the police. Based on the area (high crime, gang, & narcotics area) and the suspect's actions of attempting to hide “something” justified the patdown search. (See LD 15 3-12) The officer; however, had no authority to search into the pockets of the suspect and subsequently recover drugs

5. Allow the **recruits to discuss** the video vignette and debrief utilizing CAPRA
6. **Conduct** an instructor-led **discussion** and ensure to address the following:
 - a. Search and seizure during detentions [15.3.D]
 - i. Refer to 15.3.D in ECO
 - b. Constitutional requirements / violations
 - c. Relate to Department Core Values
 - d. Discuss the various types of weapons that may be found during searches¹
 - i. Conventional weapons
 1. Guns
 2. Knives
 - ii. Virtual: Items that can be used as weapons but their primary use is for some other means
 1. Hammer
 2. Hypodermic needle
 - iii. Atypical weapons: Items not viewed as weapons, but can be used as one
 1. Pens
 2. Pencils
7. **Play video, “When can police officers frisk a suspect”** (7 mins)

Resources needed:

- Classroom
- Projector
- Computer with multimedia software

Handouts:

- SPICE/PePPER Chart

Time required: 1.5 Hours