

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

I. LEARNING NEED

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

LEARNING OBJECTIVES

- A. Recognize a peace officer's responsibility in relation to the protections and rights included in the following amendments to the U.S. Constitution and related California Constitution sections:
  - 1. Fourth Amendment
  - 2. Fifth Amendment
  - 3. Sixth Amendment
  - 4. Fourteenth Amendment
  
- B. Recognize a peace officer's responsibility in relation to the protections included under federal civil rights statutes
  - 1. U.S. Code title 42 section 1983: Color of law
  - 2. U.S. Code title 18 section 241: Conspiracy against rights
  - 3. U.S. Code title 18 section 242: Deprivation of rights
  - 4. Cal. Code PC 422.6: adds protected classes

II. LEARNING NEED

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

LEARNING OBJECTIVES

- A. Recognize appropriate conduct during a consensual encounter
  - 1. Gathering info
  - 2. Interviews of witnesses
  - 3. Casual conversations
  - 4. Disseminating information
  
- B. Recognize conduct that may elevate a consensual encounter
  - 1. Use of emergency lights
  - 2. Blocking person's avenue of egress
  - 3. Issuing orders/commands
  - 4. Accusatory questioning/tone
  - 5. Cursory frisk without legal cause

6. Demanding/keeping a person's ID
- C. Recognize the consequences of elevating a consensual encounter
1. Violate 4<sup>th</sup> amendment
  2. Civilly liable for violation of civil rights
  3. Criminally prosecuted for false imprisonment
  4. Agency discipline

### III. LEARNING NEED

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

#### LEARNING OBJECTIVES

- A. Differentiate between a detention and a consensual encounter
1. Detention requires reasonable suspicion
  2. Person not free to leave
  3. Physical restraint, verbal commands, or other conduct by officer
- B. Recognize reasonable suspicion
1. Peace Officer has enough facts and circumstances
  2. To reasonably believe that criminal activity is afoot
  3. The person to be detained is involved in the activity
  4. Contributing factors to establish
  5. Reliable sources
- C. Recognize appropriate peace officer actions during a detention
1. Questioning
  2. Interview witnesses
  3. Confirm ID
  4. Warrant check
  5. Inspect scene
  6. Field show-up
  7. Time considerations
  8. Transportation considerations
- D. Recognize the scope and conditions for warrantless searches and seizures during a detention
1. Frisk/cursory
    - a. Outer clothing
    - b. Locate possible weapons
  2. Locating weapons/dangerous objects
  3. Use of physical restraints
- E. Recognize conditions where the use of force or physical restraint is appropriate during a detention
1. Uncooperative individuals
  2. Handcuffing
  3. Squad car

#### IV. LEARNING NEED

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

##### LEARNING OBJECTIVES

- A. Recognize when there is probable cause to arrest
  - 1. Set of facts
  - 2. To cause a reasonable person
  - 3. To entertain an honest and strong belief
  - 4. That the person to be arrested is guilty of a crime
  
- B. Identify elements of a lawful arrest
  - 1. By peace officer or private citizen
  - 2. In a case and manner authorized by law
  - 3. Actual restraint or person's submission
  - 4. Reasonable force allowed
  
- C. Differentiate between arrest and detention
  - 1. Arrest involves custody
  - 2. Arrestee has full control
  - 3. Detention involves a reasonable person not believing they are free to leave
  - 4. Detention is limited in scope
  - 5. Intensity and duration
  
- D. Recognize information that must be given to an arrested person
  - 1. Intent
  - 2. Cause
  - 3. Authority
  
- E. Recognize elements of a warrantless arrest for a misdemeanor
  - 1. Officers have probable cause to believe that the person to be arrested committed the misdemeanor in their presence
  - 2. Juvenile exception
  - 3. Seven exceptions to the "in your presence" requirement
  - 4. Time of day considerations
  
- F. Recognize elements of a warrantless arrest for a felony
  - 1. PC that felony committed in officer's presence
  - 2. PC that felony committed, but outside of officer's presence
  - 3. PC that felony committed, regardless of actual commission of felony
  
- G. Recognize elements of a warrant arrest
  - 1. Based on probable cause
  - 2. Signed by judge
  - 3. PC 815 requirements

- H. Recognize the requirements for entry into a dwelling to make an arrest
  - 1. In accordance to a warrant
  - 2. With consent
  - 3. Exigent circumstances
  - 4. Prior lawful entry
  
- I. Recognize the authority for a private person arrest and the peace officer's duty in response to a private person arrest
  - 1. Public offense committed in their presence
  - 2. When a felony has in fact been committed and the PP has pc to believe that the person committed the felony
  - 3. PC 847 requirements for private citizens
  - 4. PC 142 requirements for peace officers
  - 5. PC 849 (b)
  - 6. 853.6 PC
  
- J. Recognize conditions under which the use of force or physical restraint is appropriate during an arrest
  - 1. Reasonable and necessary
  - 2. Affect arrest
  - 3. Prevent escape
  - 4. Overcome resistance
  
- K. Recognize the statutory requirements for the disposition of an arrested person
  - 1. Warrant arrests
  - 2. Misdemeanors
  - 3. Infractions
  - 4. PC 853.6 exceptions
  - 5. Domestic violence exceptions
  
- L. Recognize the exceptions to the powers to arrest
  - 1. Immunity
  - 2. Stale misdemeanor
  - 3. Statute of limitations

V. LEARNING NEED

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

LEARNING OBJECTIVES

- A. Identify the purpose of the Miranda warnings
  - 1. Admonish person regarding 5<sup>th</sup> amendment rights
  - 2. Prevent compelled testimony
  - 3. Inherently coercive atmosphere
  
- B. Recognize when Miranda warnings must be given

1. Define custody
  2. Confluence of custody and interrogation
  3. exceptions
- C. Identify the proper administration of Miranda warnings
1. Giving warning
  2. Confirming understanding
  3. Waiving or invoking
- D. Recognize the impact of invoking:
1. The right to remain silent invoked by words or contact
  2. The right to remain silent allows re-initiation of questioning under certain circumstances
  3. Request for counsel requires clear, express request
  4. Request for counsel: No circumstances allow continued questioning
- E. Recognize the types of Miranda waivers
1. Express
  2. Implied
  3. Conditional
- F. Recognize the exceptions to the Miranda rule
1. Emergency rescue
  2. Imminent concern for the safety of a person
  3. Public safety

## VI. LEARNING NEED

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

### LEARNING OBJECTIVES

- A. Differentiate between an interview and interrogation
1. Interview is information gathering during an initial investigation
  2. Interviews with non-suspects
  3. Interrogations involve suspects
  4. Interrogations likely to elicit incriminating responses
  5. Interrogations occur during follow-up investigations
- B. Identify the purpose of an interrogation
1. Obtain admission or confessions
  2. Identify involved individuals
  3. Establish person's guilt
  4. Corroborate facts of a crime
  5. Information leading to evidence or property
- C. Differentiate between an admission and confession
1. Confession acknowledges the commission of all elements of a crime
  2. Admission acknowledges certain facts that tend to incriminate the individual
  3. Acknowledged facts of an admission fall short of a confession
- D. Identify the conditions in which a confession or admission may be inadmissible in court.

1. Obtained in violation of 4th amendment
2. Obtained in violation of 5th amendment
3. Obtained in violation of 6th amendment
4. Obtained in violation of 4th amendment

VII. REQUIRED TESTS

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

VIII. REQUIRED LEARNING ACTIVITIES

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

Description	Hours
POST Minimum Required Hours	<u>12</u>
Agency Specific Hours	<u>.5</u>
Total Instructional Hours	<u>12.5</u>