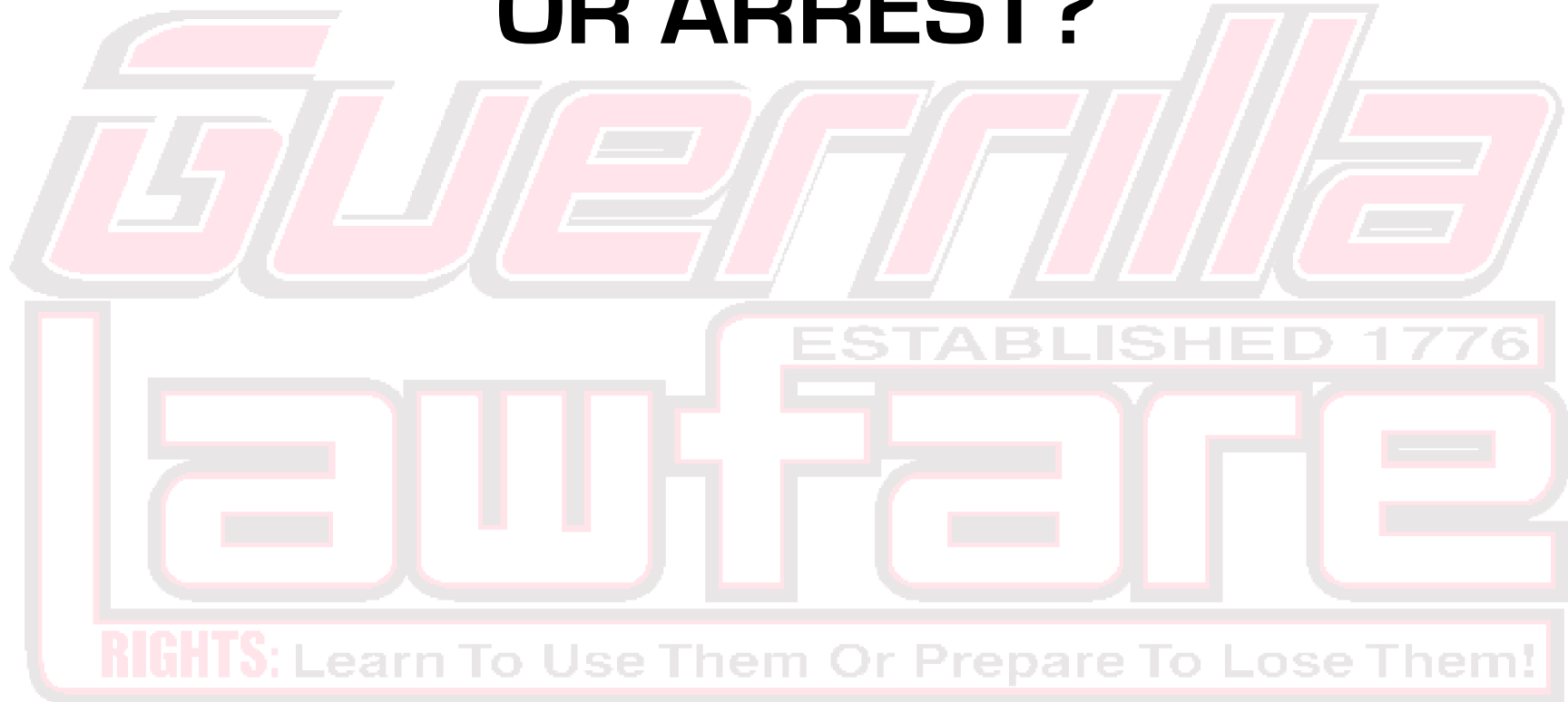


# ENCOUNTER, DETAINMENT, OR ARREST?



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Presented by: **We The People**

# The Fourth Amendment



*The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.*



# Law Enforcement contacts:



» **Encounter**

» **Detainment**

» **Arrest**



Officers with probable cause will arrest you!



- They do NOT need to have an encounter with you.
- They do NOT need to detain you.
- The ONLY reason for an encounter or detainment is to OBTAIN probable cause for arrest.
- The only LEGAL way for them to get the info they need to arrest you, is with consent from YOU

# ENCOUNTER:



The Officer may:

- Ask to talk.
- Ask for ID.
- Ask for explanation.
- There is **NO** requirement that you do ANY of these things. Ask, "*Am I being Detained?*"
- If the answer is NO say, "*Thank you,*" and leave.

# ENCOUNTER:



## What an officer may not do.

“ He may not STOP you.

“ He may not make demands.

“ He may not use force.

# DETAINMENT:



The Officer NEEDS reasonable suspicion to detain a suspect. The officer must suspect that:

- A crime had just been committed,
- A crime was being committed,
- A crime was about to be committed,

AND

- The person being detained committed the crime.

# SIGNS OF DETAINMENT:



- Red and blue lights behind you.
- You are commanded to do, or to not do something, (i.e. produce a license) or as simple as “Put out that cigarette.”
- Frisk / Pat down search.
- Handcuffs.
- When asked, Officer says you are being detained.



# HANDLING DETAINMENT:



- ASK: *“Am I being detained?”*
- If answered yes,
- ASK: *“What crime am I suspected of committing?”*
- If answered with straight answer, such as Burglary, failure to stop, theft, etc...
- DO NOT CONSENT, EXERCISE 5th AMEND.
- If LEO eludes that he is just investigating, ask: *“Investigating what crime?”*
- *“Am I being detained?” Or: “Am I free to go?”*

# DO NOT TALK ! ! !



Any thing you say, can and will be held against you ! Exceptions are:

***"I DO NOT CONSENT !!"***

You can, however, ask questions.

- ***"Am I being detained?"***
- ***"Am I free to go?"***
- ***"What crime am I suspected of committing?"***

# THINK THIS, DON'T SAY IT:



**I have a license to drive it, and you need a warrant to search it !**

- **Do not consent!**
- **Verbally resist any attempts to search your vehicle or person.** (If patted down, say "I do not consent")
- **Do not remove clothing or equipment. Ask for a warrant that specifies what they are looking for and where they will find it. Ask to have your attorney present.**

# TEST YOUR KNOWLEDGE:



Officer Says:

“Tell me where you’re going.”

Does this indicate

Encounter? Or Detainment?

# TEST YOUR KNOWLEDGE:



Officer Says:

“Sir I need a word with you.”

Does this indicate

Encounter? Or Detainment?

# TEST YOUR KNOWLEDGE:



Officer Says:

“Take your hands out of your pockets.”

Does this indicate

Encounter? Or Detainment?

# TEST YOUR KNOWLEDGE:



Officer Says:

“How are you supposed to act when talking  
to an officer.”

Does this indicate

Encounter? Or Detainment?

# TEST YOUR KNOWLEDGE:



## Officer Says:

“I need to see some ID to ensure you are  
not a criminal.”

Does this indicate

Encounter? Or Detainment?



# TEST YOUR KNOWLEDGE:



## Officer Says:

“Safety Sir, you have a CCW so I need to check for weapons.”

Does this indicate

Encounter? Or Detainment?

# TEST YOUR KNOWLEDGE:



Officer Says:

“Back up and stop filming.”

Does this indicate

Encounter? Or Detainment?

# TEST YOUR KNOWLEDGE:



## Officer Says:

“I also need ID’s from everyone else in the car.”

Does this indicate

Encounter? Or Detainment?

# TEST YOUR KNOWLEDGE:



Officer Says:

“If you don’t talk to me, I will have no choice  
but arrest you.”

Does this indicate

Encounter? Or Detainment?

# TEST YOUR KNOWLEDGE:



Officer Says:

“PUT YOUR HANDS ON YOUR HEAD.”

Does this indicate

Encounter? Or Detainment?