

# Common Situations/ Guidelines

## Suspicious Individuals:

Calls for suspicious subjects or vehicles account for a large amount of police department calls for service. The vast majority of these calls do not meet constitutional guidelines for officers to investigate the individual's actions. While we do not wish to discourage you from reporting suspicious incidents, it is our hope that this training will help you identify subjects and incidents that the Des Plaines Police Department has the lawful authority to investigate.

## Supreme Court Rulings

In March of 2000, the United States Supreme Court ruled unanimously that anonymous information, even when very detailed, did not justify a Terry Stop (Stop and Frisk). Previously, lower courts, at times allowed the police latitude when the information was detailed enough to make reasonable identification. Now, the police must have an identified complainant and articulate information in order to proceed with an investigation.

While this does not preclude the police from attempting to speak with the suspect, the suspect does not even have to respond to the officer. It is cases like this that lead to complaints of fourth amendment violations, racial profiling, and prejudice. Last but not least, incidents of this nature limit the officer's options and ability to defend themselves.

The basis for police stopping and questioning subjects comes from the United States Supreme Court ruling in the landmark case Terry v Ohio. Before we discuss Terry, we need to define several terms.

### *A STOP*

A seizure of limited duration based on reasonable suspicion that the person stopped is engaged in **criminal activity**. The purpose of which is name, address, and explanation of actions.

### *FRISK/PAT DOWN*

After a stop has been made and the officer has reason to believe the subject is possibly armed and dangerous a protective pat down for **weapons** may be made.

## ***SEIZURE***

Occurs when the government restrains by application of force or obtains submission by use of Authority.

In a Terry, officers observed a subject in a long coat on a warm day near a jewelry store that has been robbed several times before. The subject was checking the area in a nervous fashion. In addition, he was observed looking in the store window several times. The officers involved had reasonable belief that the subject was casing the store for a robbery. The subject was approached and questioned, the answers led to a protective pat down where a concealed weapon was recovered. The subject later admitted he was going to rob the store.

Remember that while we personally may not like or approve of the way someone looks or acts, unless what that person is doing is illegal, the police cannot just stop them on that basis alone. Many people make rapid judgment based on race, appearance, and clothing. In today's youth culture "Hip Hop" dress and mannerisms are prevalent. The average person believes all kids dressed in "Hip Hop" fashion are gang bangers. If that were so, 60% of all teens would be in gangs.

Are they a lookout for someone? One indication of this may be that they are walking back and fourth on the sidewalk, and constantly looking around. Are they carrying something in which they are trying to conceal or not draw attention to? Maybe they have committed a burglary.

Pay attention to how they are dressed. If it is cold, and they are wearing only a light jacket, there may be a reason. Maybe they are plain careless. Perhaps they live nearby, or have a vehicle parked nearby. Which is it? Watch their actions.

If you are patrolling in a business or retail area, are they just out for a walk, enjoying the day? Or, are they "casing" the establishment? What is the weather like? Is it unusually cold for someone to be out for a walk?

These are just a few questions that you may want to ask yourself before contacting the police dispatcher. If you are "on the fence" regarding what to do, use the cell phone and ask an officer to meet you nearby, out of the view of the individual(s), and pass it along. Your conversation with the officer is also a great opportunity for you to learn.

Don't get discouraged or embarrassed if you pass along information that turns out to be nothing. Police officers will tell you that they investigate suspicious people constantly and, more times than not, there is a logical explanation for the suspicious person's actions.

Likewise, don't get upset if you learn then or later that the officer can't do or did nothing with the information. Police officers have many guidelines, statute law and case law that

have to be adhered to (Terry v. Ohio). Remember, the rights of citizens must always be respected.

## SUSPICIOUS VEHICLES OCCUPIED

Prior to classifying a parked vehicle as suspicious, you must consider other information:

- If it appears suspicious to you, get the **license plate number**.
- Is it in the rear of a business, restaurant or store, but wasn't there 10 or 15 minutes ago? Stop and watch it for a while. Is it being loaded? Is it being unloaded?
- What if you see a van backed into a driveway of a house in which there are no lights on inside? Watch it awhile. Watch the windows for signs of movement with flashlights. Burglars do not want to be seen and will probably not turn on inside lights. However, most residential burglaries happen during the daytime.
- What is in the area of the vehicle? While a burglar probably won't pull into the driveway of the victim's home, they probably also won't park on the street where attention might be drawn to it.

A vehicle may be parked in a dark place, be occupied, and still not be suspicious by definition. Once again, the activity involved comes to play. Where is the vehicle? Is it lovers? Is it someone reading a map or sleeping? (Don't be fooled.) Could they be sick or passed out? If it is parked near a door of a closed business or store, it probably warrants observation and possibly an immediate request for the police.

A good technique that you can use on a residential street is to turn around a nearby intersection and turn on your bright lights prior to driving past the vehicle again. This will assist you in determining if the vehicle is occupied, how many occupants there are, and what they are doing. Make a note of how the occupants react. Do they attempt to hide themselves or something else (alcohol or marijuana, perhaps)? Do they look around a lot? Remember that most people who are innocently waiting in a vehicle don't normally care who sees them.

Going around the block may also work, but you risk losing sight of the vehicle. However, if there is no other way, safely make a note of the vehicle description and or license plate number. It may come in handy. (Note: The law prohibits the use of high beams within 500' of the vehicle approaching in the opposite direction and within 300' of overtaking a vehicle in the same direction. Don't risk causing an accident by blinding an innocent motorist in the area.)

If you are in a retail area, make a special note of occupied cars that are parked near the door and especially at the curb. Many offenders in retail crimes (shoplifting, quick changes, till taps, etc) have a "get away" car outside. Ask yourself what the occupants are doing. Do they look nervous? Are they looking around a lot? You don't have to call the police on every car parked in such a way, but you could write down the description and

license plate number in case something occurs. Stationary patrol is also an excellent idea. By no means should you attempt to get a second or third look if you don't feel that it is safe to do so.

**Once again, before you request the police, there should be some related activity, which makes the vehicle suspicious.**

As you probably know, an open garage door is an invitation to a thief. This is especially true during the warmer months when people utilize the garage and its contents more than ever. Bicycles, lawn mowers, and sports equipment are used more frequently. In addition, the warmer weather makes the residents less likely to close it due to the weather.

Even police officers do not automatically view an open garage door as something suspicious, even in the early morning hours. However, depending on the time of day and activity surrounding it, you may want to contact the police. Once again, judgment should be used.

## ***Open Residential Doors***

While it may, depending on the circumstances, be more unusual than an open garage door, an open dwelling door is also not necessarily an indication of a problem. Some questions to ask yourself should be:

- Does it appear that no one is home?
- Is it unusual for the time of day? (Primary consideration)
- Is it unusual, considering the weather conditions?
- If there is a storm door, is this open also?

## ***Possession of Alcohol***

Depending on where the subjects are, there may be rules governing alcohol (assuming that they are over 21). In all instances, it is a judgment call. However, here are a few situations in which you should notify the police:

- Alcohol in the park. Unless specifically permitted with a permit, alcohol is not allowed on Des Plaines Park District property.
- Alcohol in a vehicle.
- Minors in possession of alcohol. You will probably be more apt to observe this violation in the parks, parking lot, and home parties.

## ***Subjects In Businesses – After Closing***

Burglaries to retail, commercial and industrial establishments are extremely rare, and most businesses are equipped with a modern alarm system. In addition, the few incidents that any town experiences usually occur during the early morning hours. However, that doesn't mean that one could not occur while you are on patrol. Many, Many times office buildings have cleaning crews that come in at all hours of the day and night. Keep that in mind.

If you observe someone in a business, take a minute before calling the police. Is it a common open or closing time? Are all the lights on inside? Are the occupants acting suspicious? Are they ducking and trying to hide? When you are driving past a business at night, watch for doors that are ajar, broken glass (windows or doors), and vehicles parked in the area. If it raises your concern, call the police.

## ***SUBJECTS IN Businesses – During Hours***

If you find yourself patrolling past an open business, especially retail businesses, take a look inside. Many times, robberies (Hold-ups) occur at closing time for many reasons.

Is everyone inside (customers and employees) acting normal? Is there someone standing near the door looking out or standing in front looking around? Is there a vehicle parked at the curb or nearby? Is it occupied? Are there people coming and going as normal? Ask yourself some questions.

It is always worthwhile to check businesses, especially the convenience type stores, gas stations, etc. This is a great time to use stationary patrol.

### ***Group Gatherings***

Once again, before calling the police, you should analyze the situation. Are they causing a disturbance or just having fun? No one wants property damaged and garbage thrown around. However, the police also don't want the subject to think that they are being harassed. This definitely hurts community relations. This type of incidents also requires good judgment.

### ***Parties and Loud Music***

Normally, the police seldom initiate a response to this type of call. The police usually get involved only after a complaint is received from a neighbor. Even then, it is almost always handled without an arrest. As **CITIZENS ON PATROL** member, you **cannot** be the complainant on loud parties and/or loud music situations.

If you encounter a situation like this, you can do a couple of things:

- Make a note of the location.
  - Be alert as to when it breaks up and keep an eye on it. Depending on the circumstances, this is when there could be a problem (DUI, reckless driving, Littering, etc.)

Don't immediately call the police just because you see a party someplace. Obviously, the exception to this would be if there were underage drinking going on.

## *Checking closed Businesses from a Vehicle*

Nothing gets a police officer's pulse going faster than coming upon an open door. If you ever discover one, it will also be the case for you. However, the truth is that 99 out of 100 open doors are just that.... Open doors, and nothing more. But, **do not take for granted that it is nothing.**

Here are some good things to look for if you are patrolling near a closed business:

- Is the door ajar? Does the doorknob or door appear to have been tampered with? If this is the case, **contact the police immediately and leave the area.** Park in a location, a safe distance away. The police will check the door and the interior of the building.
- Check the windows and door glass.

**Be extremely cautious if intrusion is suspected. Leave the premises immediately. Park a reasonable distance away from the location, notify the police immediately, and continue to be observant. As we said before, NEVER leave your vehicle to check on the establishment's security.**

## *Criminal Offenses*

### *Public Indecency*

A lewd exposure of the body in order to arouse while in a public place.

### *Assault*

Conduct that places another in reasonable apprehension of receiving a battery.

### *Aggravated Assault*

Generally an assault with a weapon, or an assault against public employees.

### *Battery*

The infliction of bodily harm or an insulting/provoking gesture (pushing, spitting, etc.)

### *Aggravated Battery*

The infliction of bodily harm, or a battery, to public employees.

***Domestic Battery***

Battery within the family or household unit.

***Reckless Conduct***

Anyone who causes bodily harm or endangers others by reckless acts.

***Theft***

Obtaining or exerting unauthorized control over property with intent to permanently Deprive.

***Retail Theft***

The theft of merchandise offered for sale in a retail establishment. This includes price swapping and register under rings.

***Robbery***

The taking of property by force or threatened use of force.

***Armed Robbery***

Robbery with the use of a weapon or implies use of a weapon.

***Burglary***

Entering without authority to commit a theft or other felony, a vehicle, a boat, trailer or any non- residential building. This does not require forced entry.

***Residential Burglary***

Burglary to a residence.

***Arson***

Damages property by fire or explosion.

***Criminal Damage to Property***

Damaging the property of another without consent



- Driving on other than designated roadway
- Swerving
- Slow speed (more than 10mph below the limit)
- Stopping (without cause) in traffic lane
- Following too closely
- Drifting
- Tires on center or lane marker
- Braking erratically
- Driving into opposing or crossing traffic
- Signaling inconsistent with driving actions
- Slow response to traffic signals
- Stopping inappropriately (other than in lane)
- Turning abruptly or illegally
- Accelerating or decelerating rapidly
- Headlights off

According to case law, an officer may not stop someone because he/she believes they may be driving under the influence of alcohol or drugs. An officer will stop a vehicle because he/she has observed a traffic violation. When the officer makes contact with the driver and he observes, by sight or smell, open alcohol, the odor of an alcoholic beverage, or other indicators, he may start his investigation of a DUI driver.

Should you observe someone, who you believe is DUI, handle it the same way as you would a reckless driver. Call it in and attempt to keep an eye on it (do not chase!) and keep a safe distance away. Here's the word again... JUDGEMENT!!!

## **Reckless Driving**

Try not to confuse reckless driving with an everyday violation of the law. Under Illinois Law, reckless driving is "the willful and wanton disregard for the safety of persons or property." Courts have ruled that speed alone does not constitute reckless driving.

Sometimes the police handle delayed reckless driving complaints with a phone call to the driver/registered owner.

If you feel that police intervention is needed, advise of the vehicle description, license plate number, occupant information, and direction of travel. DO NOT CHASE the offending vehicle. Keeping an eye on the vehicle is all right, as long as you do not violate any traffic laws in the process.

We must be able to articulate, in detail, that the action was both willful and wanton. An example would be, your observation that the driver of the vehicle in question forced you off the road as he drove the wrong way down a one-way street at a high rate of speed narrowly missing several school children.

## *Leaving The Scene Of An Accident*

If you observe a vehicle strike another vehicle or a fixed object and leave the scene of the accident, attempt to get a detailed description of the car and driver as well as last known direction of travel. The location of possible damage on the offending vehicle may be crucial to positive identification.

**The first consideration in all accidents is the care of injured persons.**

To summarize, remember to give a detailed description of the vehicle, registration, driver, and passengers whenever possible. The case may hinge on the description of the driver if the vehicle is not stopped at the immediate time.

As with suspicious people, the United States Supreme Court has ruled that anonymous tips do not empower law enforcement to stop and search people. It is crucial in DUI, Hit and Run, and Reckless Driving cases to identify yourself as a witness. The vast majority of criminal and traffic cases are plead out and do not result in a trial.

## *Traffic Hazards*

While on patrol CITIZEN ON PATROL members should also be aware of traffic and safety hazards. Some examples of these include:

- Construction barricades that have been removed or fallen
- Pot holes
- Burned out street lights
- Broken or malfunctioning railroad gates, lights, and signals
- Traffic signal malfunctions
- Traffic sign problems

Situations that pose an immediate threat to safety and lives should immediately be reported to the police. Other situations can also be reported via telephone or can be mentioned to the Watch Supervisor at the conclusion of the member's tour of duty.

# **General Tips / Miscellaneous**

## ***Location Awareness***

Train yourself to always know your location and travel direction. Incidents occur suddenly, and you can't quickly notify the police dispatcher with accurate information if you have to take the time to orientate yourself.

## ***License Plates And Vehicle Descriptions***

Get used to reading them fast, both as they approach and leave you and vice-versa.

Of course, you don't have to write down the license plate number of every vehicle that you see. However, if you get into the habit of looking at the license plate first, you will already have it if you unexpectedly need it. You will also find it helpful to repeat it to yourself using phonetic alphabet. You should also learn vehicle makes and body styles of vehicles, if possible.

## ***Be Prepared***

The time to begin keeping information is when you are parked and observing a situation. Get the license plate number, description of the vehicle and subjects, how many there are, etc. It is much easier to report something if you have the information in front of you ahead of time.

### ***Criminal Defacement of Property***

Damages property by defacement-usually spray painting.

### ***Trespass to Property***

Knowingly, without lawful authority, enters in or on property of another or enters after receiving prior notice that entry was forbidden.

### ***Unlawful Use of a Weapon***

The carrying on the person or in a vehicle of firearms, dangerous knives, stun guns or bludgeons.

### ***Mob Action***

Use of force or violence involving two or more people.

### ***Disorderly Conduct***

Behavior that alarms or disturbs another.

## **Driving Under The Influence**

Probably no other law violation is as socially unacceptable as DUI. Both the police and the courts take DUI offenses extremely seriously. This is evident almost daily in the papers and on the news. DUI is not taken lightly.... It kills.

Although most DUI arrests occur late at night and early in the morning, some also happen during the day and early evening. However, don't jump the gun and call in a DUI just because a vehicle touches the centerline once. As drivers, we have all made , mistakes, and driven in a way that could have viewed as DUI (adjusting the stereo, talking to a passenger, looking for an address, etc.)

The following are some signs that you can watch for if you observe someone that you suspect is DUI. These visual clues are listed in descending order of probability that the driver is DUI. Any one is an indicator, and the more that you see, the greater the likelihood of a DUI:

- Turning with wide radius
- Straddling center or lane marker
- Appearing to be drunk
- Almost striking an object or vehicle
- Weaving