



## THE BLUE FAMILY TREE

**Newsletter article July, 2019**

We constantly see good police work on Youtube, that gets lost in an unarticulate officer's mouth. It works against each and every one of us when it hits the world wide web. The officer, who has only the most appropriate intentions and legally justified actions, loses his mind when the cell phone camera comes out, and a few well placed legal words come from the subject's mouth challenging his authority. You can feel the knot in the officer's throat. You can hear him stutter and force out incomplete sentences. You can see the momentum build in the subject, and you can foresee the final outcome where the subject is arrested for obstruction.... and didn't have to be if the officer would have handled the entire scenario better from the beginning. Let's pick this encounter apart and develop ways to find better outcomes. Let's do it right here, right now, instead of for the first time when you meet with the Steven Spielberg of your four minute police career.

just like the man holding the camera, know some key words and be sure enough about them that you can pull them out when your stress levels peak. They use words like "under arrest" "detained" "free to leave" or they talk about their constitutional rights to "travel" or "be free". We need to be certain about just what exactly those constitutional rights entail and when we can infringe upon them. After all, our entire job is to protect everyone's rights and to work in the exceptions of their rights to protect others and enforce the laws. This is where we live everyday. If you are not certain enough about your ability to take away someone's movement under the fourth amendment, then you probably should let them walk away, go study case law, talk to your co-workers about what just happened, and be more prepared next time.

Let's look at a "suspicious person" call:

Caller - "There's a black man selling soap door to door in my neighborhood. I haven't seen him here before and it just didn't seem right. He looked like he was looking past me at my collection of China teacups on the wall. They're very expensive."

We all know everyday civilians call about all sorts of non-criminal things. They get scared, and they defer to their biases to drive their emotions, their thoughts, and their decisions to call 911. They may not know they are doing it, but much of the time that is exactly what happens. Should we allow ourselves to police from the callers uneducated fears? If you can use real legal words to articulate a violation of a law or an ordinance, then detain the person and investigate your case. If you cannot, it's

time for a consent contact. A consent contact means both parties agree to talk, so you may want to approach this with some tact. Be friendly with people. Explain to them that the thing they are doing or the place that they are, is causing someone concern and you want to help them move through that so they can be effective at what they are trying to accomplish and everybody's day ends well. Telling a constitutionalist or a black man in a "white" neighborhood that you're the law and so they have to listen to you is exactly what you should not be doing regardless of how true you feel that may be. It would go a long ways for you to even tell this person that you recognize they are black. Sometimes they twist us up because we don't want to say the words.

Officer on contact - "Hey man, you've been selling soap in this neighborhood for at least three hours. That's when we got the first call which we ignored because you are just trying to make a living, but after the third call I thought I'd come out and let you know you're not doing any business because you're scaring people. I want to help you be successful here. Obviously you know you haven't seen a black person open a door yet I'm sure. It's a shame something as simple as your skin color makes some people nervous, but I can tell you're just trying to pay the bills, so maybe there's a better way you can communicate with the folks at the door so they hear you and not see you. What is it you're saying when they open the door?" Now it's your turn to listen to his side. Figure out if you have a daytime prowler or a legitimate salesman. After he gives his story offer some brief advice and then tell him you have to let your dispatch know who you're talking to, "You know, some dumb policy thing. I'm Patrick by the way." and an extended hand for a proper greeting. After he shakes and gives you a first name, ask for an ID so you can give dispatch everything they need, then continue with your investigation that he doesn't even realize he is aiding you with. Your job is not to jam him up. It's also not to absolutely confirm your RP's suspicions. It's to find the truth and leave both parties as unaffected by government interference as possible.

When he walks away, he should feel that the police in this town really understood him, saw the prejudice in the callers hearts and worked to protect his rights, all while learning to acknowledge that the culture in the neighborhood might be riper for profit if he tries an approach more fitting to them. Sort of a 'When in Rome' mentality. When you re-contact the RP you have an opportunity to tell them that this young man was just doing a job and he works hard to make a little money. Acknowledge that there can be problems with daytime casing so please don't hesitate to call if you're concerned, but many times people are just working so we can't always do much more than just try to chat with them. You can also provide the RP with behavioral tips to look for to make them feel more connected and useful, such as if they same salesman

is back in the neighborhood the next day or next week. Multiple visits tend to suggest casing more than a single pass through the neighborhood as the potential criminal needs to become more comfortable and build his courage through multiple casings. Be familiar with who your meter readers are and what time of the month they come by. If one month there is a substitute, it's probably not a big deal but if the substitute comes through three times that week, it might be worth calling. With tips like these, you can reduce your nuisance call load, calm the nerves of your citizen, and move them away from using biases like skin color to generate police calls for service, without ever accusing them of having done so.

The bottom line is this. We have to calm the concerns of those who call the police, but we cannot do it by violating someone else's rights. We need legal reasons to detain someone and we had better be able to articulate just what that is. Even if it's J-walking, know those little laws well, so you can make those contacts and articulate it to the Youtube audience that's watching.

(One more thing) I know many of you threw up a little in your mouth that I would suggest you offer your gun hand up in a friendly greeting. Get over it. Use appropriate discretion. You know when that is appropriate and when it is not. Sometimes a simple brief handshake is the absolute best way to build rapport and trust. I wouldn't use it when you have a subject legally detained for a criminal investigation, but when you are making a consent contact on a case like described in this article, it may make all the difference in the world. Also, if there is more officers on scene than subject's a simple handshake should be an easy gesture to put forward. This article is always first and foremost about you going home at the end of your shift. I would never suggest a handshake that would jeopardize your safety. The truth is there are many times where a simple handshake can benefit your safety through a demonstrated trust and respect.