



THE ROOKIE

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The FTO Program is a Continuation of Your Academy

You may have noticed that the photo on the cover is not of a “rookie”. Robbie was a seasoned veteran when I first came to the Huber Heights Police Division. He was a true community police officer that it seemed everyone knew in the city. I hope all of you get the opportunity to be such a seasoned veteran, but the only way to get there is by learning from one first.

One obvious difference you need to recognize right off is that you can be hurt, sued, terminated, or killed once you are on the street. Even with an FTO by your side you will face the dangers of the street. Now don't panic too much. The FTO is there to show you how to apply real-life application of your academy training. You will make mistakes, and that is okay, as long as you don't continue to make the same mistake over and over without improvement. No one, and I mean *NO ONE*, goes through the FTO process unscathed, so don't get upset when you don't have a 4.0 as a rookie.



The basic idea is for you to have virtually every aspect of police work explained to you, then demonstrated for you to see, and finally it will be your turn to demonstrate it back for your FTO to grade. The FTO should give you ample time to learn each area and practice before a real life encounter, but some areas such as the Ohio Revised Code should already be part of your knowledge. The FTO shouldn't have to teach you what you already had in the academy. Don't get all upset and disappointed if your FTO tells you that improvement is needed in a certain area. Just ask what you need to do to improve and then do it!

Hopefully your agency will give you a good FTO, and with a good FTO comes much more than just learning to be a good cop. They will show you how to be a good person that happens to be a cop. My first FTO at St. Bernard Police Department was Mike Schindler (Yes, you will always remember your FTO and they will always remember you).

Resources for Law Enforcement

Look around the Internet and you will find a bunch of resources made available to you as a new officer. Never stop learning as a rookie or a veteran. This profession is always changing and you need to change with it. Here are a few sites with free information and newsletters you may want to consider.

Police General

www.officer.com

www.policemag.com

www.policeone.com

www.lawofficer.com

www.blutube.com

Legal

codes.ohio.gov/orc

supremecourt.ohio.gov

supremecourtus.gov

www.fletc.gov/legal

Mike always answered every question I had, even the really stupid ones. He told me what to expect as a police officer on the street and what my family would go through with me. He always answered me honestly even when the answer wasn't what I wanted to hear. He was concerned for my safety then and that continued throughout my career. I can only hope that I had the same affect on those I trained as an FTO years later. I know I still have concern for their safety today.

I didn't even want to be an FTO when I was asked. I had just moved from St. Bernard PD as a crime scene investigator and detective to a new department. I was back on the road and happy to be rid of the many burdens that came with a residency rule that required my family to live where I worked.



I didn't want to train anybody, let alone a rookie officer who knew little about the job. So when asked by the FTO supervisor I declined the offer to become one of his FTOs. The Chief of Police then talked to me and told me he felt my experience as a detective and crime scene investigator would benefit new officers. I wasn't budging and told him I wasn't interested in the position. Two weeks later I was in the Field Training Officer course learning what I needed to become an effective FTO. The Chief, it seemed, wasn't really asking for my opinion.

Once I was in the position I knew how important the position was and the consequences that came with poor training. Doing "just enough" to get by does not fly in law enforcement, and it definitely won't cut it in your FTO program. I always demanded my rookie's to be over-achievers. They didn't need to make me look good, they needed to



Quotes to Live By

“The world is a dangerous place to live, not because of those who do evil, but because of those who watch it and let it happen.”

~Albert Einstein

“Always do right. This will gratify some people and astonish the rest.”

~Mark Twain

“A people that values its privileges above its principles soon loses both.”

~Dwight D. Eisenhower

“Nearly all men can stand adversity, but if you want to test a man's character, give him power.”

~Abraham Lincoln

learn how to become law enforcement professionals. I knew that the day may come when my butt needs saved and the rookies I trained may be the ones who save it. It only makes sense for an FTO to want you to be the best officer you can be.

Many departments will have you ride with multiple FTOs during the process. Our program was normally 12 to 15 weeks long and during that time you would ride with at least 4 different FTOs. You start with your primary FTO and also finish with him or her. I like this program best because you see different approaches to the same problems you face in law enforcement. I was big into investigations and interrogations but my days as a traffic enforcer were dwindling. Fortunately we had an FTO that knew the traffic laws, and enforced them, as good as any state trooper.

If you have the opportunity to go through an FTO program with multiple trainers count yourself lucky. Each FTO will have great traits of a law enforcement officer. Remember them and emulate them in your career. Each FTO will also have faults, I know I do. Remember them and ensure you don't develop the same faults or habits. Take all the best parts of each FTO and develop into the officer you want to be.



Warrantless Searches of Cell Phone Data Prohibited in Ohio

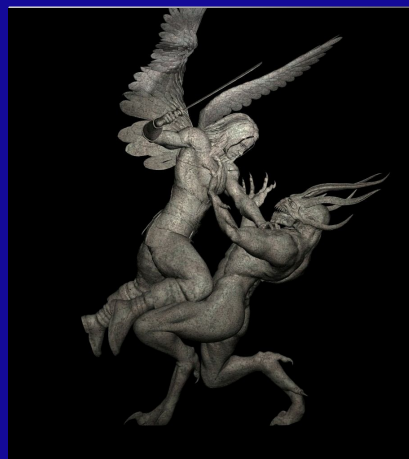
State v. Smith, --- N.E.2d ----, 2009 WL 4826991 (Ohio 2009)

Prior to the Smith case, neither the U.S. Supreme Court or any state supreme court had addressed the issue of a cell phone memory search incident to an arrest. Some appellate courts have analyzed a cell phone as a closed container like a briefcase in a car. Other appellate courts follow the logic that the evidence is potentially short-lived, as new calls are received the memory of older calls is automatically eliminated from the phone. This line of cases is based on older cases allowing searches incident to arrest of pagers held by arrestees. We all know phones and pagers aren't quite the same and phones hold far more information than ever before.

Smith was identified as a drug dealer after one of his clients, Northern, overdosed on crack cocaine. The police questioned the woman after her overdose and she informed officers that she called Smith when she needed more crack, and he would deliver it to her home. She called Smith and placed an order for more crack, on behalf of the officers, and he soon delivered the goods. When Smith showed up he was arrested and his call log on his cell phone was searched incident to arrest and without a warrant. The call log was used to confirm the call between him and the informant Northern. Smith challenged the search of his phone, claiming that it could not be part of a valid search incident to arrest.

In the Smith case, the Ohio Supreme Court rejected the closed container approach. The court next considered the degree of expectation of privacy that a defendant can legitimately hold in the cell phone memory. The court stated, "Although cell phones cannot be equated with laptop computers, their ability to store large amounts of private data gives their users a reasonable and justifiable expectation of a higher level of privacy in the information they contain." The court ruled that once the officer seized the phone, the state's interest in preserving evidence was satisfied and a warrant would be required to examine the data contained in the phone. In addition to rejecting the search incident to arrest justification, the court also held that the search could not be justified by exigent circumstances to preserve the evidence.





"I believe an officer's integrity must out run their gifts and abilities. Once we think we know enough, or worse, we think we are good enough to step over the line, we've already lost the fight. Integrity means the same regardless of our experience and seniority."

~Officer Richard Neil

The state indicated that there could be cases in which their would be exigent circumstances. If the suspect can delete files inside the phone from a distance, and they are not in custody, that could well be such a circumstance. Your best bet is to get a consent to search from the suspect. Short of that, you should power the phone off and get a search warrant. They aren't as hard to obtain as what we all make of them. Slow down and do it right the first time, instead of trying to justify it later.

We are all aware of how much information can actually be on a cell phone today, especially a smart phone like a Blackberry device. You may end up with far more evidence than you originally thought. Some of my best cases happened in spite of me getting in the way. Small cases led into unseen cases, and other bad guys we didn't know existed. State v. Smith, N.E.2d, 2009 WL 4826991 (Ohio 2009)

Lack of Awareness (or common sense)

We all have times when we get in such a hurry that we have no idea of what's going on around us. With our jobs, kids, the girl scout meetings, teacher conferences, soccer games, and picking up dinner we can quickly forget about personal safety. I worked with a police officer that seemed to be lacking in the area of awareness, or what we called "Clueless" in the police world. While Bill was a nice person I don't know how the guy survived his rookie year. Bill was around 40 and starting his second career after retiring from the Army as a Captain in the personnel section. The problems started when I was assigned as one of his Field Training Officers. I was only a 25 year old officer with 4 years of experience myself, and to make things worse I served in the Army as an enlisted combat soldier. The personnel section was commonly harassed and picked on by the infantry soldiers. It's hard to shuffle paperwork in a service filled with trained fighting men and keep your ego intact. To say the least it was obvious that Bill did not want to be trained by someone much younger than him and he was sure he would be teaching me how to be a cop.

When you are in danger, logic can get you into more danger by ignoring your instincts. Intuition will always ignore logic and send you the involuntary signal of fear that is a real prediction of danger. Your intuition will always have your best interest at heart, so it should always be trusted.



The second week Bill was with me on the midnight shift and we spotted a drunk driver. Bill was driving so I told him to stop the vehicle and we would see if the driver was indeed drunk. Bill insisted he was ready to handle the stop on his own and didn't want my help. He wasn't ready, but I told him to go right ahead and I would watch from the car. He had the man out of the car, through his field sobriety tests, and arrested without much of a snag.

He put the man in the back of our patrol car and said he would also complete the inventory of the vehicle for the tow truck by himself. I said I was going to get out and observe him none the less. Bill was inventorying the contents of the trunk when he went to close it, but this was a Cadillac and the trunk lids don't close like a normal car. The get within a few inches of closing and then a small electric motor takes over and slowly closes it the rest of the way. I knew this as an experienced cop, but I quickly found out Bill did not. When the lid didn't close all the way Bill grabbed it to open it back up and slam it harder. I told him to leave it alone that it would close itself, but he kept trying to pull it open. The entire neighborhood could hear the blood curdling scream that came from Bill as all eight of his fingers were crushed by the trunk lid. He was forced to his knees and was screaming for my help.

I ran to the passenger side of the car, opened the glove compartment, and pushed the trunk release button, but nothing happened. The car was off so the button didn't work and the keys weren't in the ignition. I ran back to Bill, who was now turning white with his eyes rolling back into his head, and asked where the keys were. He was barely able to tell me they were in his pants pocket. Why in the world he had to have stuck them in his pants pocket I will never know, but now I was digging around in another man's pants pocket looking for keys just to find out it was the wrong pocket. After searching the other pocket I grabbed the keys and turned the ignition on and hit the trunk release button. The trunk lid lifted off of Bill's fingers and I watched as he passed out onto the roadway. He came right back to me and believe it or not, he didn't even have any broken fingers! They were quite sore and swollen but no breaks. I couldn't help but start to laugh once I knew he was okay.

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Bill told me it wasn't funny and then we heard laughter coming from our patrol car. When we turned to look, the entire car was rocking from the old man (yes, the one Bill had arrested for DUI) laughing so hard. He was going to jail that night but at least he was going with a smile.

Bill would go on to amaze me again with his lack of awareness and common sense. It was a few months later when he was on his own that he contacted me on the car computer to meet him on Railroad Avenue. Strange that he didn't call me on the radio but I went to the location and no one was around. I called out on the radio asking where he was; he replied look to your right. The only thing to my right was the railroad tracks, but then I saw the beam from his flashlight waiving up and down. I turned my spotlight to his direction and saw his car teetering on a large pile of railroad ties. When I got to him I asked what in the world he was doing driving down the railroad tracks. He said he was in "Black out" mode driving down the tracks when he hit the ties leaving his car immobilized. In my four years on the police department I had never driven down those tracks because you could clearly see them from the road no more than 100 feet away. After several photos were taken by the sergeant a tow truck pulled the cruiser off the ties, and once again we laughed at poor Bill's expense.

Those stories alone would be more than enough for one police career, but Bill had one more trick to mesmerize us. One late rainy night several of us were responding into an industrial section of town. Bill was driving dangerously close to the buildings and the sergeant told him to get away from them before he drove into a loading dock. By now you already know what happened. The loading dock was completely flooded when its drain clogged making it appear to be part of the parking lot. Bill drove his police car down into the flooded dock. The only thing we could see was the rear end of his car sticking up out of the water, along with the red and blue emergency lights that were still going around. The guy was really hard on our fleet of patrol cars.

Bill was a victim, as we all are at times, of tunnel vision. We get focused on one task, or stressed out, and we can become easy prey for a predatory criminal. It is important to be aware of your surroundings and the people around you, as well as building an awareness of tactics used by criminals who mean you harm. Ironically, Bill is now a lieutenant.



Arizona v. Gant, 129 S. Ct. 1710 (2009) FBI Bulletin October 2009

In this case, the Supreme Court clarified that the Fourth Amendment does not permit broad authority to search a motor vehicle incident to arrest simply because the arrestee is at the site of the arrest, which has been the general assumption since the Court's holding in *United States v. Belton*. Rather, the Court in *Gant* clarified that the need to search the interior of the vehicle incident to arrest is limited to situations furthering the rationales behind this warrantless search authority to protect officer safety and to prevent the destruction of evidence. The Supreme Court held that these rationales can be furthered by limiting the authority to search the vehicle to situations where "the arrestee is within the reaching distance of the passenger compartment at the time of the search or if it is reasonable to believe the vehicle contains evidence of the offense of the arrest."

Under the facts in this case, Gant was not within reaching distance of the vehicle at the time of the search (he was handcuffed and locked inside the police car) and there was no reason to believe the car contained evidence of the crime for which he was arrested (driving with a suspended license). Therefore, the search of his car violated the Fourth Amendment, and the contraband discovered during the search was suppressed.

Arizona v. Johnson, 129 S. Ct. 781 (2009) FBI Bulletin October 2009

In this case, law enforcement officers patrolling a Tucson neighborhood pulled over a vehicle containing several occupants for a minor infraction. At the time of the stop, the officers did not have any reason to suspect the occupants of the vehicle were engaged in criminal activity. While the lead officer was dealing with the driver, one of the other officers engaged the defendant, a passenger in the car, in conversation and asked him to step out of the vehicle to talk with her. The officer observed that he wore clothing indicative of gang membership and that he was holding a police scanner. Based on her concerns regarding possible gang affiliation, the officer conducted a limited search for a weapon by patting down his waistband area where she discovered a gun. The defendant was convicted of a gun-possession charge. The Arizona Court of Appeals reversed his conviction, concluding that because the officer did not have reason to suspect the defendant-passenger was engaged in criminal activity, the officer "had no right to pat him down for weapons, even if she had reason to suspect he was armed and dangerous." The Arizona Supreme Court let the decision stand. The government appealed the ruling to the U.S. Supreme Court.

The Supreme Court reversed the Arizona Court of Appeals, citing precedent addressing the nature of the encounter between officers and individuals detained as part of a roadside encounter, and now such encounters are “especially fraught with danger to police officers.” The Supreme Court noted that consistent with previous rulings, a passenger in a vehicle stopped is seized within the meaning of the Fourth Amendment, just as the driver is seized, at the initiation of the stop and until it is over and that the passenger is not free to end the encounter or move about as he wishes. The officer’s efforts to engage the defendant in conversation about gang activities did not transform the encounter into an unreasonable seizure. As stated by the Court,

An officer’s inquiries into matters unrelated to the justification for the traffic stop...do not convert the encounter into something other than a lawful seizure, so long as those inquiries do not measurably extend the duration of the stop. The Supreme Court reversed the lower court ruling, remanding the case for further proceedings as the lower court had not addressed whether the officer had reasonable suspicion that the defendant was armed at the time of the stop.

Herring v. U.S., 129 S. Ct. 695 (2009) FBI Bulletin October 2009

The defendant was arrested after it was determined that a warrant for his arrest was outstanding. During the search incident to his arrest, drugs and a firearm were seized. The defendant sought to suppress this evidence as the arrest should not have happened in the first place. The arrest warrant had been recalled but remained in the system apparently due to negligent records handling by police personnel.

The Supreme Court ruled that the evidence should be admitted. In reaching this conclusion, the Supreme Court engaged in a detailed analysis of the history and purpose of the exclusionary rule, concluding that its deterrent effect would not be furthered in cases where the decision to arrest the defendant was based on reasonable but mistaken assumptions, namely that an outstanding arrest warrant existed.⁴⁴ The Supreme Court did caution that its holding does not mean that all errors, such as those that occurred in this case, are immune from the exclusionary rule. The Court stated, If the police have been shown to be reckless in maintaining a warrant system, or to have knowingly made false entries to lay the groundwork for future false arrest, exclusion would certainly be justified under our cases should such misconduct cause a Fourth Amendment violation.



Weapons Alerts

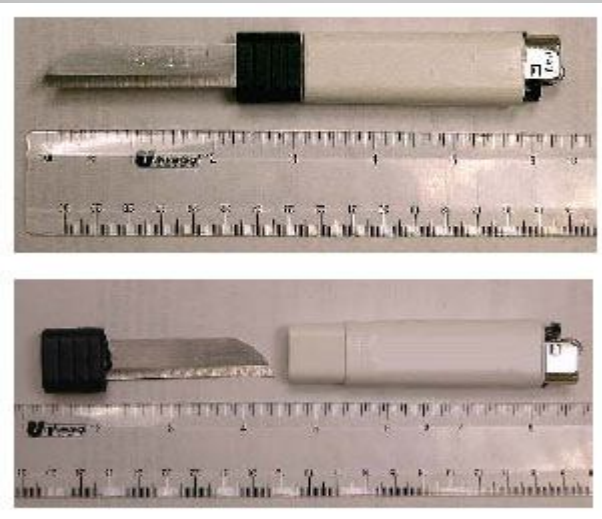
The weapons on the following pages may stun you if you are new to law enforcement, but you must stay vigilant of any type of new or homemade weapons on the street. If you have a legal right to conduct a "Terry Frisk" of a suspect that allows you to crush, feel, and twist their clothing to feel for weapons. When you become aware of new types of weapons used by criminals then you can legally add them to the items you can remove from someone's pocket to ensure it isn't a weapons. If you feel a tube of lipstick and now know it could be a hidden knife you have the right to remove it from their possession for your safety. If it isn't a knife and just a nice shade of red give it back when your done with them. Don't only look out for new types of weapons but also new places criminals find to hide them. Knife blades taped under armpits, razor blades in hat rims, and 9mm Glocks in their crotch just scratch the surface.



THE ROOKIE



Looks like your basic pocket clip knife but opens into a 5 shot .22 caliber pistol. You just want to thank these inventors personally as a cop!



Smoking Kills



The newest in 4 shot .22 caliber cell phones

That's right, some knuckle headed company is making guns out of Mag lights. The large ones are .410 shotguns and the mini Mag fire a .380 round. The image on the right is a homemade model before production started. Criminals use to have to work at making this stuff. Now companies profit at our misfortune.





Tire gauge .22 caliber gun.



A sword in a belt? The owner of this company must have grown up on Bruce Lee films.



Three different credit card knife designs that are commercially made.

Stinger Pen Pistol

From Pen to Legal Pistol in 2 seconds!



Transfers as Handgun
Not subject to NFA

Specifications

- .22LR • 2" barrel length • 5 oz. weight
- 5.6" length in "Pen" format • 4.2" in "Pistol" format
- Cocks on opening • Firing pin block safety • Stainless and ordnance steel
- To transform from pen into pistol, pull lightly and twist.
- Cannot be fired in pen configuration



Some Convenient Hiding Places



New shoes with hidden pocket where criminals are hiding cuff keys.



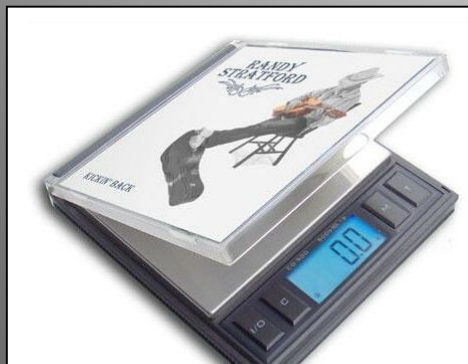
Marijuana pipe in a highlighter? More college kids may do their homework now.



This company makes a cross style necklace that serves as a cuff key.



Belt buckle with built in cuff key. Never handcuff in the front!



CD case with concealed scale made commercially.



New model cars are adding new compartments.

March 2010

This is the life that you chose. It's not risk free, nor will it be easy. But in the humble opinion of this proud police officer, it has always been a life well worth living. There is no more noble profession than the one you are now a member of.

I want to thank you for accepting your mission as law enforcement professionals. It is my sincere prayer to God that He protects each of you, as guardians of His mercy and justice, to overcome evil and restore peace where it has been lost. That He bestows upon you the courage to boldly and calmly face all the troubles of our society. And to remind you of what Jesus taught "Blessed are the peacemakers, for they shall be called children of God."



If you would like to be removed from the newsletter please forward me an email letting me know and I'll be happy to take you off the list. Stay safe.



www.OfficerNeil.com



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