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**"Making Your Case and Making It Stick: Part I  
Voluntary Contacts and Investigative (Terry) Stops"**

**Series III Video 1**

**Program Overview  
Training Guide  
Test Questions and Answers**

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## OBJECTIVES

**BLOCK:** \_\_\_\_\_

**INSTRUCTOR:** \_\_\_\_\_ **TIME ALLOCATED:** \_\_\_\_\_

**DATE PREPARED:** \_\_\_\_\_ **PREPARED BY ALERT**

**SYNOPSIS:** Through lecture, class discussion, the showing of the ALERT instructional video, field training sessions, and the administration of the accompanying test, the training officer or instructor will be able to offer this course in "Making Your Case and Making It Stick: Part I : Voluntary Contacts and Investigative (Terry) Stops."

### **OBJECTIVES:**

1. to understand the legal and practical benefits of using the voluntary contact as an investigative tool.
  2. to understand the differences between Voluntary Contacts and seizures of persons {Investigative (Terry) Stops}.
  3. to learn when investigative contacts must be justified legally and what level of justification is required.
  4. to know what kinds of words are appropriate for "voluntary contacts."
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**Making Your Case and Making it Stick: Part I  
Voluntary Contact and Investigative (Terry) Stops  
Series III Video I  
Training Guide**

**SHOW VIDEO**

**INTRODUCTION**

**I. Three Kinds of Officer and Citizen Contacts:**

**A. Voluntary Contact**

1. an officer-citizen contact in which the officer's words and/or actions would cause a reasonable (innocent) person to believe that he is *free to refuse* to participate in the contact.
2. **keys:**
  - a. no force
  - b. no "show of authority"
3. "show of authority": words or action by police that would cause a reasonable (innocent) person to feel that he *was required* to participate in the contact
4. **Note:** in a voluntary contact, **Miranda is not applicable** because the contact is "**non-custodial**"
5. use words of invitation, request, solicitation, and cooperation:
  - a. "May I . . ."
  - b. "Would you be willing . . ."
  - c. "Is that okay with you . . . ?"
6. Avoid words of command, demand, requirement, and instruction.

**EXAMPLE**  
**OFFICER:** Hello,  
Ms., I'm Officer  
Baker from the  
Owensville Police  
Department.  
May I ask you a few  
questions about a  
case I'm working on?

**WOMAN:** Sure.

7. document everything said to suspect
  - a. in reports
  - b. recorded on micro-cassette, where state allows
  - c. car video cam with audio
8. be prepared to articulate details of conversation in court

#### B. The Investigative (Terry) Stop

1. A **limited seizure** of a person based upon **reasonable suspicion** that the person is, has been, or is about to be engaged in criminal activity
2. an officer must have at least "**reasonable suspicion**" prior to executing the investigative stop

- a. **Reasonable Suspicion:**

facts and circumstances which, taken together with reasonable inferences in light of an officer's training and experience and measured in terms of common sense, would cause an officer to suspect that. . .

(1) **(to stop)** a person has been, is, or is about to be involved in criminal activity; or

(2) **(to frisk)** a person has a quickly accessible weapon that could be a threat to the officer.

(Note: a "**frisk**" is a limited, usually a "**pat down**," protective search of outer clothing and quickly accessible carried belongings for weapons.)

- b. officers must be able to articulate persuasive reasons for their suspicions

3. **Note: Miranda rule is generally not applicable** because the investigative (Terry) stop is "**non-custodial**" within the meaning of Miranda.
4. a "Terry Stop" is generally a brief, one location field contact ("brief"--normally a function of minutes, not hours).
5. force may be used if reasonable necessary to effect and safely maintain the stop.
6. for years, in lower court decisions, the use of reasonable force in investigative stops has been approved up to and including stops conducted at gunpoint.
7. even the show of **deadly force**, then, does not necessarily convert a detention into an arrest
8. handcuffing and/or placing the suspect in a police car may be appropriate actions in some investigative detentions where necessary to assure officer safety, or the security of the detainee.
9. if officers use force and/or restraints, they should **be prepared to articulate compelling justification** for such actions as part of the Terry Stop so that the contact is not judged to be an arrest (requiring **probable cause**).
- Berkemer v. McCarty***  
104 S. Ct. 3138  
(1984)
- Terry v. Ohio***  
the original  
"stop and frisk"  
the Court approved  
a seizure of a person  
on less than  
**probable cause**  
where the police  
officer ". . . **grabbed**  
petitioner **Terry,**  
**spun him around...**"  
before proceeding  
with the frisk.  
[*Terry v. Ohio*],  
88 S. Ct. 1868  
(1968). at 1872.}
- [*U.S. v. Seni*],  
662 F.2d. 277  
(4th Cir. 1981)
- [*U.S. v. Harley*],  
682 F.2d 39  
(2nd Cir. 1982)

## C Arrests

1. Any seizure of a person which goes beyond the limits of an investigative (terry) stop is an arrest.
2. An arrest requires *probable cause* to believe that the the subject has committed a crime.
  - a. **probable cause:** facts and circumstances which, taken together with reasonable inferences in light of an officer's training and experience and measured in terms of common sense, would establish *a fair probability* that ...
    - 1) **(to arrest)** a crime has been committed and that a particular person committed it; or
    - 2). **(to search)** evidence of a crime or contraband is in a particular place.
  - b. *an involuntary encounter* which does not meet the requirements of lawful investigative stop is an arrest which requires *probable cause*.
3. an arrest occurs when. . .
  - a. **a reasonable person** would **not** feel free to leave., and
  - b. this condition persists for more than the time limits for an investigative stop, or
  - c. there is **involuntary movement of the subject** a significant distance (or even a short distance, if unexplained in terms of safety and security requirements), or
  - d. officers use force and/or restraints in excess of the amount reasonably required for an investigative stop.

**EXAMPLE**

"Picking up" a person for questioning and transporting him involuntarily is an arrest and is an unlawful seizure, unless probable cause is present.

[*Dunway v. N.Y.*],  
99 S. Ct. 2248  
(1979)

## II. Summary

### A. Law Enforcement's Number One Priority

1. officer safety
2. public safety

### B. Grabbing the Investigative Edge

#### 1. legal aspects

##### a. understand and properly apply legal procedures for

- 1) voluntary contact
- 2) investigative (terry) stop
- 3) arrest

##### b. document and articulate properly

- 1) exact words and other details are critical
- 2) discussion with legal advisors can be helpful

#### 2. practical aspects

##### a. most investigative contacts can be handled **effectively** as **voluntary** contacts

##### b. once officers have chosen a **seizure** (investigative stop or arrest) as their investigative format, legal requirements arise and must be satisfied.

##### c. the right attitude gets it right and gets it done.

**REVIEW**

**ADMINISTER  
TEST**

**GRADE TEST**

**ALERT** wishes to thank **ABLE**, Bob Thomas and Randy Means (of Smith, Schroeder, Thomas and Means), Sgt. Scott Anderson (of the Wentzville, Missouri, P. D.), and Officer Brad Wentlandt (of the Greenfield, Wisconsin, P. D.), for their assistance with this training guide and videotape. Some information in this training guide was taken from the writings of Bob Thomas and Randy Means from their **The Law of Policing in America** Series and their "*Police Law Journal*."



## CONCLUSION

What you should have learned:

**ALERT** has provided information in a training guide for officer/citizen contacts: voluntary contacts, investigative (terry) stops, and arrests, and how to grab the investigative edge in those contacts.

We have defined in detail the objectives, lesson plans, evaluations, records, attendance policies, and documentation, and the importance of each of these. Your packet should contain examples of each.

You have permission to make copies of the written material for your training course.

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**"Making Your Case and Making It Stick: Part I:  
Voluntary Contacts and Investigative (Terry) Stops"**  
*Series III Video 1*  
**Test Questions**

1. Name the three kinds of officer/citizen contacts.
    - a.
    - b.
    - c.
  
  2. The number one priorities of law enforcement in any officer/citizen contact should be
    - a.
    - b.
  
  3. In an investigative (terry) stop, an officer can frisk (patdown) a suspect and/or frisk a vehicle for weapons only if there is reasonable suspicion that weapons are present.

True  False
  
  4. According to the United States Supreme Court, the Miranda Rule is not applicable in voluntary contacts and most investigative (terry) stops because they are \_\_\_\_\_.
  
  5. A good example of appropriate officer language for a voluntary contact would be "Wait a minute, Sir. I need to talk to you. . . ."

True  False
  
  6. An investigative stop requires probable cause to believe that the subject has committed a crime.

True  False
  
  7. A key characteristic of a "Terry Stop" is that it is \_\_\_\_\_.
  
  8. It is important to remember to document the **exact** words spoken by the officer in an investigative contact.

True  False
-

"Making Your Case: Part I"  
Test Questions

9. In voluntary contacts, officers should introduce themselves and use words of request and solicitation of cooperation.

True

False

10. A \_\_\_\_\_ occurs when a police officer says or does things that would cause a reasonable person to feel that he or she is required to participate in the contact.

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Voluntary Contacts and Investigative (Terry) Stops"**  
*Series III Video 1*  
**Test Answers**

1. a. voluntary contacts  
b. investigative (terry) stops  
c. arrests
  2. a. officer safety  
b. public safety
  3. True
  4. non-custodial
  5. False, you need words of request, invitation, and cooperation
  6. False, reasonable suspicion
  7. brief or one location acceptable
  8. True
  9. True.
  10. show of authority
-

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