

B-7
EMERGENCY INCIDENT RESPONSE
CORE POLICING COMPETENCY: LEGAL AUTHORITY

LEARNING ISSUES:

- Knowledge of case laws: Terry vs. Ohio, Chimel vs. California, Mapp vs. Ohio, Florida vs. J.L. Florida vs. Royer , Tennessee vs. Garner, Minnesota vs. Dickerson, Michigan vs. Long, Arizona vs. Gant, US vs. Place.
- Miranda vs. Arizona: adult/juvenile custodial rights during emergencies; spontaneous utterances, subsequent findings of Miranda
- Reasonable suspicion vs. probable cause
- Duties to respond, report, and remain when necessary at emergency scenes
- Arrest/search powers of other government agencies in emergency situations
- Reasonable suspicion vs. probable cause as they relate to emergency incidents
- Search and seizure issues; exigent circumstances for entering homes, public buildings, private businesses, vehicles, or searching individuals (including strip-searches)
- Search and Seizure- search warrant issues
- High risk warrant service
- Emergency medical attention (victims/suspects), including right to refuse
- Prisoner rights while in hospital care (attorney/client privilege)
- Confidentiality vs. public information (i.e. HIPPA, gang data, sex offenders)
- other individual rights issues that surface during emergency incidents
- Rules of evidence
- Miranda warnings, when are they administered, exceptions (where's the gun!)
- Emergency removal of children
- Authority to evacuate during emergencies
- Crossing jurisdictional lines
- Mutual Aid agreements
- Acting when off-duty and out of town during emergencies
- Other individual rights issues that surface during emergency incidents

RESOURCES:

- Constitution of the United States, 4TH Amendment
- NC General Statute 15A-401
- NC General Statute 50B
- DPD G.O. 1002,R-4 Mission and Vision Statement
- DPD G.O. 1005,R-2 Limits of Authority- Code of Ethics
- DPD G.O. 1018 Community Relations
- DPD G.O. 4004 Warrantless Searches and Seizures
- DPD G.O. 4005 Constitutional Considerations in the Criminal Process
- DPD G.O. 4006: Search and Frisk of Members of the Opposite Sex
- DPD G.O. 4044, R-R-1: Towed and Stored Vehicles
- DPD G.O. 4068, R-1: Strip and Body Cavity Searches
- DPD G.O. 4074: Bias-Based Policing

- DPD G.O. 4077: Eyewitness Identification
- DPD Rules and Regulations 2.1: Responsibility for knowing Law, Procedures and Department Directives
- DPD Rules & Regulations 2.4: Responsibility to Respect the Rights of Others
- North Carolina Crimes, a guidebook on the elements of crime, 4th edition
- Arrest, Search and Investigation in North Carolina, by Robert Farb, 3rd edition
- Supplement to Arrest, Search and Investigation in North Carolina, by Robert Farb
- SR&S Roll Call Training internet site (<http://policehelp.net/rollcall.html>)

LEARNING OUTCOMES:

1. The trainee is able to describe relevant laws, SOPs and policies and explain how they relate to individual rights.
2. The trainee is able to analyze and apply what laws, SOPs and regulations relate to individual rights in a variety of situations.
3. The trainee is able to evaluate the effectiveness of the reference material listed in this competency.