



**PROFESSIONAL
SECURITY
INTERNATIONAL**

APPEARANCE, GROOMING AND Demeanor

FIRST IMPRESSIONS:

BASED ON THE VERY REASONABLE PREMISE THAT TWO GREAT BEHAVIOR-IST *PAVLOR AND SKINNER* ARE RIGHT: WE ARE PRECONDITIONED BY OUR ENVIRONMENT, AND THE CLOTHING WE WEAR IS A INTEGRAL PART OF THAT ENVIRONMENT. THE WAY WE DRESS HAS REMARKABLE IMPACT ON THE PEOPLE WE MUST PROFESSIONALLY OR SOCIALLY, AND GREATLY (SOMETIMES CRUCIALLY) AFFECTS HOW THEY TREAT US.

FACT:

PEOPLE WHO LIK SUCCESSFUL AND WELL EDUCATED RECEIVE PREFERENTIAL TREATMENT IN ALMOST ALL OF THEIR SOCIAL OR BUSINESS ENCOUNTERS.

NOT EVERYONE GETS TO KNOW YOU WELL. IN FACT MOST PEOPLE YOU ACQUAINT WITH ON A CASUAL BASIS, EVEN THOSE WHOM YOU HAVE SOMETIMES WORKED WITH FOR YEARS. THESE PEOPLE FORM THEIR IMPRESSIONS OF YOU BASED UPON THREE CRITERIAS:

APPERANCE
GROOMING
DEMEANOR

IN MANY CASES THESE IMPORTANT CRITERIA WILL AFFECT YOUR RELATIONSHIP WITH THESE PEOPLE FOR A LING TIME AFTER THE INITIAL MEETING. IN OTHER WORDS, YOU ARE JUDGED BY HOW YOU APPEAR THE FIRST TIME THEY MEET YOU. THIS MUST BE KEPT IN MIND AT ALL TIMES SINCE THE SCEURITY OFFICER IS ALWAYS MEETING PEOPLE AS THE FIRST CONTACT POINTS IN MANY COMPANIES. WE WANT THAT FIRST IMPRESSION TO BE OUR VERY BEST IMPRESSION.

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IT'S DIFFICULT TO REESTABLISH RELATIONSHIPS BECAUSE OF NEGATIVE FIRST IMPRESSION.

THROUGHOUT THE BUSINESS WORLD UNIFORM DRESS CODES ARE REQUIRED WHILE ON DUTY ! EXECUTIVES, EXECUTIVE SECRETARIES, TOP BUSINESSMEN, SALES PEOPLE, POLICE OFFICERS, SECURITY OFFICERS, WAITRESSES AND WAITERS TO NAME A FEW. ALL WEAR "UNIFORMS" WHILE ON DUTY.

AS A SECURITY OFFICER FOR PSI SECURITY SERVICES YOU WILL BE ISSUED AND REQUIRED TO WEAR A UNIFORM. THE PURPOSE OF THIS SECTION OF YOUR TRAINING MANUUE IS TO INFORM YOU ABOUT THE REASONS FOR THE UNIFORM REQUIREMENT AND INFORM YOU HOW TO PROPERLY WEAR THE UNIFORM TO ACHIEVE THE PURPOSE FOR WHICH YOUR UNIFORM WAS INTENDED.

GRAY AND BLACK ARE THE OFFICIAL COLORS OF PSI AND IS USED ON VARIOUS PSI DOCUMENTS AND PUBLICATIONS, SUCH AS YOUR OFFICERS MANUAL AND PSI LETTERHEAD STATIONERY. THERE WILL BE SECONDARY COLORS ASSIGNED FOR USE IN THOSE STATES WHERE GRAY AND BLACK ARE UNACCEPTABLE TO OFFICAL AUTHORITIES IN SUCH LICATIONS.

SO WHEN YOU WEAR YOUR UNIFORM YOU ARE DRESSED IN THE OFFICIAL PSI COLORS THAT ARE THE SAME THOUGHOUT THE UNITED STATES. WHERE EVER PSI HAS AN AREA OFFICE.

AS A SECURITY ORGANIZATION, WE MUST DRESS TO REFLECT THE PARAMILITARY IMAGE WE REPRESENT.

THERE ARE SEVERAL OTHER REASONS FOR THE UNIFORMS REQUIREMENTS.

WHILE IN UNIFORM YOU ARE VISIABLE TO THE GENERAL PUBLIC AS THE ONE WHO IS RESPONSIBLE TO HELP PEOPLE WITH SECURITY PROBLEMS. ALSO YOUR UNIFORM IS YOUR ACCESS PASS THAT ALLOWS YOU TO PATROL FREELY THROUGHOUT THE CLIENTS PREMISES. NO ONE QUESTIONS YOUR RIGHT TO BE ALMOST ANY PLACE IN THE BUILDING AS LONG AS YOU ARE IN UNIFORM. YOUR UNIFORM IS ALSO YOUR BADGE OF AUTHORITY, ALLOWING YOU TO ENFORCE RULES AND POLICIES UNDER YOUR JURISDICTION.

YOUR UNIFORM PROVIDES HIGH VISIBILITY TO THOSE WHO WOULD APPROACH THE CLIENTS PREMISES WITH LESS THAN HONORABLE INTENTIONS. THE MERE PRESENCE OF YOU IN UNIFORM IS A GREAT DETERNENT TO UNDERSIRABLE ACTIONS AS PEOPLE READILY SEE THAT THE PREMISES ARE UNDER THE PROTECTION OF A SECURITY FORCE.

IMPORTANTLY, WHEN YOU ARE ON PATROL IN UNIFORM, LOCAL AUTHORITIES CAN READILY IDENTIFY YOU. WITHOUT YOUR UNIFORM THE POLICE MAY WELL REGARD YOU AS A PROWLER OR INTRUDER.

ABOVE AND BEYOND THE PRACTIAL REASONS FOR YOUR WEARING A UNIFORM THERE ARE SEVERAL IMPORTANT PUBLIC RELATIONS REASONS.

ONE OF THESE REASONS ARE THAT YOUR UNIFORM REPRESENTS TWO VITAL IMAGES:

YOUR EMPLOYER, PSI, AND THE CLIENT THAT YOU AND YOUR EMPLOYER SERVE.

YOUR EMPLOYER WANTS TO TAKE PRIDE IN YOU AS YOU REPRESENT HIM IN THE COMPANY UNIFORM.

THE IMAGE OF PSI AS A COMPETENT, PROFESSIONAL ORGANIZATION IS LARGELY DUE TO THE WAY YOU APPEAR IN YOUR UNIFORM.

IF YOU APPEAR SLOPPY AND UNGROOMED, PSI WILL APPEAR LAX AND UNCARING.

ALSO THE CLIENT YOU SEVICE HAS SPECIFICALLY CHOSEN PSI TO PROVIDE TOP-QUALITY SECURITY SERVICE AND APPEARANCE. APPEARANCE IS VITAL TO THE CLIENT.HE WANTS TO BE PROUD OF THE SECURITY FAORCE AND HIS PRIDE IN YOU IS DIRECTLY LINKED TO YOUR APPEARANCE IN UNIFORM.AFTER ALL,WHILE YOU ARE ON HIS PREMISES, YOU REPRESENT HIM (THE CLIENT).THE CLIENT'S BUSINESS ASSOCIATES,VISITORS AND EMPLOYEES ALL SEE YOU AS THE PERSON CHOSEN BY THE CLIENT TO REPRESENT THE CLIENTS SECUARITY DEPARTMENT.

HOW TO WEAR THE UNIFORM

YOUR APPEARANCE IN UNIFORM DEPENDS ON WHAT YOU DO TO AND WITH THAT :UNIFORM.WHAT YOU DO,OR FAIL TO DO,WITH YOUR UNI-FORM TELLS PEOPLE THE STANDARDS BY WHICH YOU LIVE.IF YOUR UNIFORM IS SOILED AND WRINKLED,PEOPLE WILL READILY ASSUME THAT YOU ARE AN UNKEPT PERSON.THE IMPRESSION YOU MAKE WILL SUFFER AND YOUR AUTHORITY WILL BE GREATLY AFFECTED. J.EDGAR HOOVER,THE FAMOUS F.B.I. DIRECTOR,INSISTED THAT ALL HIS AGENTS BE SPOTLESSLY GROOMED IN SPECIFICALLY DESIGNATED BUSINESS SUITS.THEIR SHOES HAD TO BE LUSTRE SHINED AT ALL TIMES.AS ARESULT PUBLIC RESPECT FOR THE F.B.I. AGENTS AUTHORITY SOARED.NO OTHER LAW ENFORCEMENT AGENCY HAS EVER HAD THE RESPECT AS HAS THE F.B.I.REMEMBER:THE BETTER YOU ARE GROOMED,THE MORE SPOTLESS YOU ARE.THE GREATER WILL BE YOUR AUTHORITY IMAGE AND THE IMAGE OF PROFESSIONAL SECURITY INTERNATIONAL WILL SOAR.

PEOPLE RESPECT SPOTLESS GROOMING BECAUSE IT REFLECTS ATTENTION TO DETAIL,HIGH STANDARDS AND SELF-RESPECT.THESE THINGS ASS UP TO AN IMPRESSION OF PRIDE AND PROFESSIONALISM.

WEAR BAGGY TROUSERS AND A DIRTY SHIRT AND PEOPLE MAY SEE YOU AS A JANITOR, EVEN THOUGH YOU ARE WEARING A BADGE.

ANOTHER THING ABOUT SPOTLESS GROOMING IS THAT IT CREATES AN IMPRESSION OF RELIABILITY. PEOPLE SEE THAT YOU PLANNED AHEAD AND TOOK TIME TO PREPARE YOURSELF FOR DUTY. THIS TELLS THEM THAT YOU ARE RELIABLE AND THOUGHTFUL.

AS DIFFICULT AS IT IS TO MAINTAIN SPOTLESSNESS IN SECURITY WORK, ESPECIALLY ON PATROLS IN AREAS DUSTY AND EVER DIRTY. BUT WITH A LITTLE CARE AND ATTENTION TO DETAIL A SECURITY OFFICER CAN OVERCOME THE ELEMENTS THAT HINDER CLEANLINESS. BESIDES, PEOPLE CAN TELL THE DIFFERENCE BETWEEN A SHINED SHOE FRESHLY SOILED AND A SHOE THAT HASN'T BEEN SHINED FOR DAYS.

CLASS IA UNIFORM

CLASS IB UNIFORM

CLASS II A UNIFORM

CLASS II B UNIFORM

SHIRTS, TROUSERS AND JUMPSUITS.

THESE ITEMS ARE WASHABLE. HOWEVER, THEY WILL LOOK BETTER AND LAST LONGER IF THEY ARE LAUNDERED AND DRY CLEANED. THIS IS THE REASON FOR THE TEN CENT PER HOUR TAX FREE REIMBURSEMENT PORTION OF YOUR PAY.

DRY CLEANED TROUSERS ARE STEAM PRESSED AND WILL NOT READILY GET BAGGY. LAUNDERED SHIRTS ARE FAR SUPERIOR IN APPEARANCE TO HOME-WASHED AND IRONED SHIRTS. BESIDES, BOTH ITEMS WILL RETAIN THEIR PROPER COLOR LONGER IF THEY ARE PROFESSIONALLY CLEANED. AS PROFESSIONAL, YOU WILL WANT TO LOOK YOUR BEST.

ACCESSORIES

EVERY PROFESSION HAS TOOLS WHICH ARE REQUIRED AN/OR EXPECTED TO BE AVAILABLE TO A PRACTITIONER OF THAT TRADE. IN FACT, MANY MECHANICS ARE EXPECTED TO SUPPLY THEIR OWN TOOLS, AND MANY TIMES ARE REVERED BY THEIR PEERS BY THE QUALITY OF THE TOOLS THEY HAVE. THE SECURITY OFFICER IS NO EXCEPTION TO THIS RULE. THE FOLLOWING IS A PARTIAL LIST OF EQUIPMENT A SECURITY OFFICER MAY BE REQUIRED TO HAVE:

- * *BADGE*
- * *NOTE BOOK*
- * *PENCIL AND/OR PEN*
- * *KEY RING*
- * *FLASHLIGHT*
- * *RADIO*
- * *WATCHCLOCK*
- * *SAM BROWNE BELT*
- * *NOGHT STICK*
- * *MACE (WERE ALLOWED)*
- * *HANDCUFFS*
- * *GUN*

EACH OF THE ABOVE ACCESSORIES HAS A ROLE IN THE DUTIES PERFORMED BY A SECURITY OFFICER, WITH THE EXCEPTION OF THE SAM BROWNE BELT, WHICH IS BASICALLY AN ORGANIZER AND A WAY OF CARRYING MOST OF THE ACCESSORIES LISTED.

BADGES

THE BADGE IS THE FINAL TOUCH OF A UNIFORM IT GIVES THE AUTHORITATIVE LOOK. IN OUR SOCIETY ALL LAW ENFORCEMENT AGENTS ARE REQUIRED TO DISPLAY THEIR BADGE AND IDENTIFICATION. IT IS HOPED THAT THIS WILL EVOKE INSTANT RESPECT FROM THE GENERAL PUBLIC.

NOTE: IT ALSO EVOKES HOSTILITY IN OTHERS.

NOTEBOOK

IN MANY SITUATIONS THE SECURITY OFFICER WILL HAVE NEED TO RECORD NOTES FOR LATER REFERENCE. A SMALL BREASTPOCKET SPIRAL NOTEBOOK IS MOST CONVENIENT FOR THIS PURPOSE.

PENCIL/PEN

AS SIMPLE AS IT MAY SEEM, NOT HAVING A WRITING INSTRUMENT AVAILABLE AT THE WORK SITE IS A VERY COMMON AND VERY ANNOYING PROBLEM. BRING YOUR OWN WITH YOU AT ALL TIMES OR IMPORTANT INFORMATION MAY BE LOST !

KEY RING

MOST SECURITY OFFICERS FIND THEMSELVES SADDLED WITH .. NUMEROUS KEYS WITH WHICH THEY ARE RESPONSIBLE TO OPEN VARIOUS SECURED PORTIONS OF THE FACILITY WHICH THEY MAN. THESE KEYS ARE USUALLY PASSED FROM SHIFT TO SHIFT AND MUST BE CARRIED WITH THE SECURITY OFFICER OR STORED IN A DEFINED AND SECURE PLACE. IF CARRIED THE KEY RING SHOULD MOUNT ON THE BELT. TO FREE THE HANDS AT ALL TIMES FOR USE.

FLASHLIGHT

THE FLASHLIGHT IS USED PRIMARILY AT NIGHT BY SECURITY OFFICERS ON PATROL. SOME PATROL AREAS OF FACILITIES MAY BE CONSTANTLY DARK (BASEMENT, ENCLOSED WAREHOUSES, ETC.). FLASHLIGHTS SHOULD BE CARRIED ON A BELT HOLSTER TO FREE THE HAND OF THE SECURITY OFFICERS.

RADIO

THE TWO WAY RADIO HAS BECOME AN INTERGRAL PART OF ANY SECURITY FORCE CONSISTING OF MORE THAN ONE SECURITY OFFICER PEN SHIFT. IT ALLOWS THE SECURITY OFFICERS TO COORDINATE RESPONSE TO ANY SITUATION, A MEANS OF CHECKING IN EACH OTHERS WELFARE DURING NORMAL SHIFT DUTIES. BELT HOLSTER WITH A REMOTE SPEAKER/MICOPHONE ATTACHMENT PINNED TO THE COLLAR TO FACILITATE HANDS FREE OPERATION AND ALSO MINIMIZING THE POTENTIAL FOR DROPPING THE EQUIPMENT.

WATCHCLOCKS

SOME FACILITIES, MANAGEMENT REQUIRES A SECURITY OFFICER TO CARRY WITH HIM/HER A CLOCK WHICH HAS A DISK IN WHICH IS RECORDED TIME AT SELECTED POINTS IN AROUND, IF A SECURITY OFFICER IS REQUIRED TO TAKE A CODED KEY FROM A HOLDER .. MOUNTED AT A PRESET POSITION AND INSERT THE KEY IN A PLACE IN THE WATCHCLOCK, CAUSING A CODED MARK TO LEAVE IT IMPRESSION ON THE DISK. THUS, TIME OF ARRIVAL/AND LOCATION ARE CODED ON THE DISK.

SAM BROWNE BELT

A WIDE, THICK LIATHER BELT WORN OVER THE TRADITIONAL BELT USED TO HOLD UP THE TROUSERS. THE BELT IS DESIGNED TO HOLD ALL THE ACCESSORIES THAT THE SECURITY OFFICER IS REQUIRED TO CARRY ON DUTY.

NIGHT STICK

IN MANY FACILITES THE SECURITY OFFICER IS NOT ARMED WITH A WEAPON, YET THERE IS A NEED TO GIVE THE SECURITY OFFICER SOME ADVANTAGE OVER AN OPPONENT IN A THREATENING SITUATION. AS WITH THE POLICE OFFICER, THE NIGHT STICK HAS BEEN THE TRADITIONAL "WEAPON". ARMED WITH A NIGHT STICK, A PROPERLY TRAINED SECURITY OFFICER CAN HANDLE AN OPPONENT ARMED WITH ANYTHING EXCEPT A GUN. BELT HOLSTERS

ARE ALSO AVAILABLE FOR NIGHT STICKS.

MACE

AS AN EFFECTIVE COMPROMISE AND ALTERNATIVE, MACE IS A CHEMICAL WHICH IS PAINFULLY DEBILITATING, YET WILL NOT CAUSE PERMANENT DAMAGE. SUPPLIED IN SPRAY CANS, IT IS USUALLY SPRAYED IN THE FACE OF THE OPPONENT, CAUSING SEVERE DISCOMFORT PARTICULARLY IN THE EYES, NOSE AND THROAT. IT MAY BE CARRIED IN A BELT HOLSTER.

HANDCUFFS

SINCE PLACING SOMEONE IN HANDCUFFS CONSTITUTES ARREST, THEY SHOULD ONLY BE USED IN AN ARREST SITUATION.

IS MUCH MORE PROFESSIONAL THEN,"CAN'T LET YOU IN UNLESS YOU HAVE A BADGE !". WHICH SHOWS NO COURTESY,INTEREST,WILLINGNESS TO HELP OR GIVE THE OFFENDER A PROCEDUAL WAY OUT.

CODE OF CONDUCT

SINCE THE SECURITY OFFICER REPRESENTS MANAGEMENT TO THE GENERAL PUBLIC IT IS IMPORTANT THAT HE/SHE CONDUCT HIMSELF IN SUCH A MANNER AS NOT TO DETRACT FROM THE IMAGE MANAGEMENT WISHES TO PROJECT.THE FOLLOWING ARE A FEW BASIC RULES TO FOLLOW:

- * BE COURTEOUS AT ALL TIMES WHILE ON DUTY
- * MAINTAIN A "PROFESSIONAL" BEARING
- * STRIVE TO BE PLEASANT AND HELPFUL TO ALL
- * FOLLOW ALL WRITTEN AND VERBAL ORDERS OF SUPERVISORS
- * PASS ONTO YOUR RELIEF ALL NEW ORDERS FOR YOUR POST
- * DO NOT LEAVE YOUR POST WITHOUT AUTHORIZED RELIEF
- * DO NOT USE FOUL OR ABUSIVE LANGUAGE
- * REPORT ANY AND ALL UNUSUAL INCIDENTS TO YOUR SUPERVISOR
- * DO NOT SLEEP ON DUTY
- * DO NOT DRINK ON DUTY
- * DO NOT ENGAGE IN "HORSEPLAY" OR FIGHT ON DUTY
- * DO NOT ENGAGE IN UNNECESSARY CONVERSATION WITH OTHER EMPLOYEES
- * FAMILIARIZE YOURSELF WITH ALL EMERGENCY SYSTEMS
- * FAMILIARIZE YOURSELF WITH ALL FACILITY ENTRANCES AND EXITS
- * DO NOT SMOKE ON DUTY EXCEPT IN AUTHORIZED PLACES
- * DO NOT DISCUSS COMPANY BUSINESS WITH OUT SIDERS
- * DO NOT ENCOURAGE FRIENDS TO VISIT YOU ON THE JOB
- * DO NOT TALK TO THE PRESS OR ISSUE STATEMENTS TO THE PRESS
- * ALWAYS WEAR THE REGULATION UNIFORM
- * ALWAYS APPEAR AT WORK PERSONALLY CLEAN AND WELL GROOMED

- * MAINTAIN ALL ISSUED EQUIPMENT AS IF IT WERE YOUR OWN
- * REPORT TO DUTY AT LEAST 15 MINUTES BEFORE YOUR SHIFT STARTS
- * NEVER TURN OVER YOUR POST TO SOMEONE WHO IS OBVIOUSLY IMPAIRED
- * ALWAYS CONTACT YOUR SUPERVISOR IF YOU CANNOT SHOW UP FOR YOUR POST, PREFERABLY FOUR HOURS BEFORE YOU ARE POSITION



**PROFESSIONAL
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LAWS OF EVIDENCE

THE LAWS OF EVIDENCE ARE COMPLEX. THIS SECTION OF YOUR TRAINING MANUAL IS INTENDED TO ACQUAINT YOU WITH SOME OF THE LEGAL ASPECTS OF EVIDENCE ADMISSIBILITY. FOR A MORE DETAILED TREATMENT, YOU WILL NEED TO DO FURTHER READING IN THE ADMINISTRATION OF JUSTICE FIELD.

ALSO, MUCH OF THE MATERIAL INCLUDED HERE APPLIES TO LAW ENFORCEMENT OFFICERS. PLEASE KEEP THAT POINT IN MIND.

THE VALUE OF THIS SECTION FOR SECURITY OFFICERS LIES IN 1.) *GAINING A NOTION OF WHAT EVIDENCE IS,* 2.) *THE VARIOUS KINDS OF EVIDENCE,* AND 3.) *HOW TO GATHER THE MOST EFFECTIVE EVIDENCE.*

AWARENESS OF THE ABOVE THREE TOPICS RELATED TO EVIDENCE SHOULD IMPROVE YOUR REPORT WRITING AND POWERS OF OBSERVATION SINCE YOU WILL HAVE A BETTER IDEA OF WHAT IS NEEDED IN COURT.

THE PROPER PRESENTATION OF EVIDENCE IS AN ESSENTIAL PART OF LAW ENFORCEMENT. EVIDENCE CAN BE DEFINED AS "THE MEANS BY WHICH FACTS ARE PROVED." BASICALLY, THERE ARE TWO CLASSIFICATIONS BY WHICH FACTS MAY BE PROVED: REAL EVIDENCE OR TESTIMONIAL EVIDENCE. THE FIRST OF THESE, REAL EVIDENCE, IS THE DIRECT PHYSICAL ILLUSTRATION OF A FACT, FOR EXAMPLE A CORPSE, A BULLET, SPECIMENS OF HANDWRITING OR FINGERPRINTS. ALL CAN DEMONSTRATE THAT A CRIME HAS BEEN

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COMMITTED. BUT REAL EVIDENCE DOES NOT NECESSARILY MEAN THAT THE PHYSICAL OBJECT MUST BE PRESENT DURING THE TESTIMONY. SLIDES, PHOTOGRAPHS OF THE SCENE, EVEN SCALE MODELS OF DWELLINGS CAN BE USED, AND WILL BE CONSIDERED AS PHYSICAL EVIDENCE. ALL REAL EVIDENCE MUST BE AUTHENTICATED IN A CRIMINAL CASE. IN OTHER WORDS A PROSECUTING ATTORNEY MUST PRESENT A WITNESS, A CORONER FOR EXAMPLE, TO SWEAR TO THE VALIDITY OF THE EVIDENCE. THIS IS KNOWN AS AUTHENTICATION.

THE OTHER CLASSIFICATION OF EVIDENCE IS TESTIMONIAL EVIDENCE, WHERE A WITNESS TESTIFIES THAT AN EVENT OR A SERIES OF EVENTS ACTUALLY DID OCCUR. A WRITTEN CONFESSION BY A DEFENDANT, WHEN GIVEN FREELY, CAN BE CLASSIFIED AS TESTIMONIAL EVIDENCE. MOST TESTIMONIAL EVIDENCE IS GIVEN VERBALLY, ALTHOUGH THERE ARE EXCEPTIONS, SUCH AS WRITTEN OR PRERECORDED TESTIMONIES. HEARSAY TESTIMONY IS GENERALLY INADMISSABLE AS EVIDENCE. HEARSAY REFERS TO TESTIMONY IS BASED ON WHAT SOMEONE TOLD THE TESTIFIER. IN ORDER FOR TESTIMONY TO BE ADMISSABLE THE WITNESS MUST HAVE SEEN OR HEARD THE THINGS ABOUT WHICH HE IS TESTIFYING. EXCEPTIONS TO THE HEARSAY RULE HAVE BEEN DEVELOPED. THE EXCEPTIONS ARE "TRICKY" AND HIGHLY QUALIFIED. ONE EXAMPLE IS THE "DEATHBED TESTIMONY" OR THE SYING DECLARATION.

BOTH TYPES OF EVIDENCE MAY BE USED TO PROVE FACTS DIRECTLY OR THEY MAY BE USED TO PROVE FACTS INDIRECTLY OR CIRCUMSTANTIALLY. A PHOTOGRAPH OF AN INCIDENT WILL PROVE FACTS DIRECTLY WHILE FINGERPRINTS OR OTHER IMPLICATING EVIDENCE CAN BE USED TO DETERMINE CIRCUMSTANTIAL EVIDENCE. THE MAJORITY OF EVIDENCE PRODUCED BY A PROSECUTING ATTORNEY IS CIRCUMSTANTIAL IN NATURE; ONLY IN A COMPARATIVELY FEW CASES IS DIRECT EVIDENCE AVAILABLE TO BE USED BY A

PROSECUTOR. THE IMPORTANT THING FOR OFFICER TO REMEMBER IS TO PROCURE ALL EVIDENCE, THEREBY ENHANCING THE CHANCES OF A CONVICTION.

ADMISSIBILITY AND WEIGHT OF EVIDENCE

BASICALLY, THREE RULES ARE APPLIED IN JUDGING THE ADMISSIBILITY OF EVIDENCE. THE FIRST RULE IS THAT THE EVIDENCE MUST BE COMPETENT AND MUST COME FROM A RELIABLE SOURCE. THIS MEANS THAT A WITNESS MUST BE COMPETENT TO TESTIFY. THE SECOND RULE IS THAT THE EVIDENCE PRESENTED MUST BE RELEVANT TO THE CASE. THE THIRD RULE IS THAT THE EVIDENCE MUST BE MATERIAL TO THE ISSUE. OF COURSE, EVIDENCE MAY BE RULED INADMISSIBLE BECAUSE IT WAS UNDULY PREJUDICED, AGAINST PUBLIC POLICY, WAS PRIVILEGED INFORMATION, OR WAS OBTAINED BY A VIOLATION OF CONSTITUTIONAL RIGHTS.

THE WEIGHT OF THE EVIDENCE IS CONSIDERED BY THE DEGREE OF BELIEVABILITY OR PERSUASIVENESS (FROM 0% TO 100%) THAT THE TRIER OF FACT MAY ATTRIBUTE TO IT ONCE IT HAS BEEN RULED ADMISSIBLE. THE JURY DECIDES WHAT WEIGHT A PIECE OF EVIDENCE SHOULD RECEIVE, OR, IN THE CASE OF A NON-JURY TRIAL, THE PRESIDING JUDGE WILL DECIDE HOW MUCH A PIECE OF EVIDENCE SHOULD BE WEIGHED IN THE TRIAL.

JUDICIAL NOTICE

JUDICIAL NOTICE IS A FACT OF COMMON KNOWLEDGE THAT IS CAPABLE OF ACCURATE AND READY DEMONSTRATION. IT PERMITS THE COURT TO CONSIDER A PIECE OF EVIDENCE AS FACT WITHOUT THE NECESSITY OF CUSTOMARY FORMAL PROOF BY DOCUMENTS, EXPERT WITNESSES, ETC. THE LAWS OF STATE, FEDERAL AND MUNICIPAL GOVERNMENT ARE USUALLY UNDER JUDICIAL NOTICE. HOWEVER, A STATE COURT WILL NOT TAKE JUDICIAL NOTICE OF MUNICIPAL ORDINANCES. IN OTHER WORDS, A COURT DOES

NOT HAVE TO RE-EXAMINE OR QUALIFY IT'S LAWS IN ORDER TO CONDUCT A TRAIL.

PRESUMPTION AND BURDEN OF PROOF

THE DEFENDANT IS PRESUMED TO BE INNOCENT UNTIL PROVEN GUILTY. THE BURDEN OF PROOF, PROVING THE DEFENDANT GUILTY BEYOND A REASONABLE DOUBT MEANS THE DEGREE OF DOUBT WHICH WOULD PREVENT A REASONABLE AND JUST PERSON FROM COMING TO A CONCLUSION OF GUILT. IN A CIVIL CASE THE BURDEN OF PROOF RESTS ON THE PLAINTIFF. HE MUST PROVE " BY PREPONDERANCE OF EVIDENCE " THAT HIS CLAIM IS TRUE,

IN ORDINANCE VIOLATION TRIALS, A STATE, MUNICIPAL, OR OTHER POLITICAL SUBDIVISIONS HAVING STATUTES MUST PROVE THE VIOLATOR'S GUILT BY A " CLEAR PREPONDERANCE OF EVIDENCE,"

IN LEGAL PROCEEDINGS THERE ARE OTHER ASSUPTIONS MADE BESIDES THE PRESUPTION OF INNOCENCE. MANY OF THESE ASSUMPTIONS WORK AGAINST THE DEFENDANT. THERE MUST BE A RATIONAL CONNECTION BETWEEN A PROVEN FACT AND THE INFERENCE DRAWN FROM IT. FOR INSTANCE, THE OBVIOUS PRESENCE OF AN ILLEGAL WEAPON IN A RESIDENCE WOULD IMPLICATE ALL WHO WERE STAYING THERE AT THE TIME. THE PRESUMPTION WOULD BE THAT ALL STAYING THERE WOULD HAVE BEEN AWARE OF THE WEAPON. IT IS UP TO THE DEFENDANT TO CONVINCEN A JURY OR JUDGE THAT HE DID NOT HAVE KNOWLEDGE OF THE WEAPON. A TRAFFIC OFFICER CAN ALSO MAKE PRESUMPTIONS. AN EXAMPLE WOULD BE A PARKING VIOLATION. THE OFFICER HAS A RIGHT TO PRESUME THE OWNER OF THE VEHICLE PARKED IT ILLEGALLY, THEREFORE IT IS THE OWNER OF THE CAR, AND NOT NECESSARILY THE OPERATOR, WHO RECEIVES THE NOTICE TO APPEAR. LIKewise, AN OFFICER MAY PRESUME THAT AN INDIVIDUAL FOUND BEHIND THE WHEEL OF A CAR, OBVIOUSLY INTOXICATED, HAD DRIVEN UNDER THE

INFLUENCE OF ALCOHOL. THIS TOO CAN BE REBUTTED IF THE INDIVIDUAL PRODUCES EVIDENCE THAT HE PARKED THE CAR PRIOR TO DRINKING.

A REGULAR ENTRY IN A BUSINESS LOG CAN BE USED AS AN EXCEPTION TO THE HEARSAY RULE. TO QUALIFY, AN ENTRY MUST BE MADE AS A PART OF A SERIES OF TRANSACTIONS AND MUST ALSO CONVINCE A COURT OF THE RELIABILITY AND FAIRNESS OF THE RECORD. OF COURSE, THIS MATERIAL CAN ONLY BE USED WHEN THERE WOULD BE NO MOTIVATION TO FALSIFY A RECORD. PUBLIC RECORDS ARE USUALLY ADMISSABLE EVIDENCE UNDER THE HEARSAY RULE, BUT THERE TOO, THE PREMISE MUST BE THAT THE OFFICIAL RECORDER HAD NO REASON TO FALSIFY WHAT HE RECORDED. PUBLIC RECORDS MAY BE ADMITTED INTO EVIDENCE IF 1) *THE PUBLIC OFFICIAL WAS REQUIRED BY LAW TO KEEP THE RECORD,* AN 2) *IF THE OFFICIAL MADE THESE RECORDINGS IN THE COURSE OF HIS OFFICIAL DUTY OR UNDER HIS SUPERVISION.* EVIDENCE CONNECTED WITH BIRTH, DEATH, MARRIAGE AND FAMILY RELATIONSHIPS ARE ALSO ADMISSIBLE IN COURT UNDER ANOTHER EXCEPTION TO THE HEARSAY RULE. STATEMENTS CAN BE FOUND TO BE TRUSTWORTHY BECAUSE THEY WERE MADE PRIOR TO THE TIME THE CONTROVERSY AROSE. FOR INSTANCE, WHEN A PERSON'S AGE CANNOT BE DIRECTLY ASCERTAINED THROUGH RECORDS OR BY PEOPLE WHO CAN TESTIFY, SOMEONE WHO WAS PREVIOUSLY GIVEN THE INFORMATION OF THE BIRTH MAY BE ASKED TO TESTIFY, EVEN THOUGH THIS PERSON WOULD ONLY BE TESTIFYING TO WHAT HE HEARD, AND CANNOT HIMSELF CLAIM TO BE AN ACTUAL WITNESS TO THE EVENT.

THE BEST EVIDENCE RULE

COURTS REQUIRE THAT PROOF OF THE CONTENTS OF WRITING CAN ONLY BE MADE BY PRODUCING THE ORIGINAL DOCUMENT ITSELF. WHERE A WRITTEN DOCUMENT HAS BEEN DESTROYED OR LOST, A

COPY MAY BE USED AS EVIDENCE. SINCE FINGERPRINTS CAN ONLY BE UTILIZED IN A COURT ROOM SETTING THROUGH THE USE OF PHOTOGRAPHS (THE ORIGINALS ALMOST ALWAYS BEING DESTROYED OR OTHERWISE DISTURBED), A PHOTO MAY BE USED AS EVIDENCE EVEN THOUGH IT OFFERS ONLY A REPRODUCTION OF THE ORIGINAL, AS FOR WRITTEN CONFESSIONS, A COPY OR AN ORAL REPORT OF ITS CONTENTS WILL NOT SUFFICE. THE ORIGINAL MUST BE PRODUCED.

PRESENT MEMORY REFRESHED AND PAST RECOLLECTION RECORDED

A SITUATION MAY ARISE IN WHICH A TESTIFYING OFFICER MAY NEED TO REFER TO HIS NOTES ON THE WITNESS STAND BECAUSE 1) *THERE HAS BEEN A LENGTHY TIME LAPSE* 2) *THE CASE INVOLVED A GREAT DEAL OF DETAIL, OR* 3) *THE OFFICER HANDLES MANY CASES OF THIS TYPE AND MANY OF THESE INCIDENTS IN QUESTION MAY BE INDISTINGUISHABLE IN MEMORY FROM ANOTHER.* THEREFORE, THE OFFICER WILL BE ALLOWED TO REFER TO WRITTEN NOTES DURING HIS TESTIMONY. IN ORDER FOR AN OFFICER TO REFER TO HIS NOTES HE MUST TESTIFY THAT HE HAS HAZY RECOLLECTION ABOUT THE MATTER TO WHICH HE IS TESTIFYING. THIS PROCEDURE, KNOWN AS "PRESENT MEMORY REFRESHED", USES DOCUMENTS PREPARED BY HIMSELF OR SOME OTHER PERSON THAT WOULD AID HIS MEMORY. HE WOULD THEN TESTIFY THAT THE DOCUMENT DOES, INDEED, REFRESH HIS MEMORY, AND HIS ORAL TESTIMONY MAY CONTINUE. THE DOCUMENT ITSELF, HOWEVER, MAY NOT BE OFFERED AS DIRECT EVIDENCE AGAINST THE ACCUSED.

PAST RECOLLECTION RECORDED IS OFTEN EVOKED WHEN AN OFFICER'S PRESENT MEMORY CANNOT BE REFRESHED -- WHEN, FOR INSTANCE, AFTER EXAMINING A DOCUMENT PREPARED BY HIMSELF HE CANNOT REMEMBER THE EVENTS DESCRIBED. HIS DOCUMENT WILL BE ADMISSABLE AS EVIDENCE AFTER STATING THAT 1) *HE MADE THE NOTES HIMSELF, AND THAT THEY* 2) *WERE MADE AT OR ABOUT THE TIME THE EVENTS THEREIN DESCRIBED TRANSPIRED AND THAT* 3) *EVEN THOUGH HE*

CANNOT PERSONALLY RECALL THE EVENTS THEMSELVES, HE KNOWS THAT HIS NOTES ARE CORRECT. THE DOCUMENT IN "PAST RECOLLECTION RECORDED" CAN BE INTRODUCED INTO EVIDENCE -- THE DOCUMENT, IN EFFECT, SPEAKS FOR ITSELF.

THE EXCLUSIONARY (ILLEGALLY SEIZED EVIDENCE) RULE

IN A 1961 SUPREME COURT RULING (MAPP Vrs. OHIO). THE JUSTICES HELD THAT THE CONSTITUTION'S FOURTH AMENDMENT PROHIBITED " UNREASONABLE SEARCHES AND SEIZURES " AND REQUIRED THAT ALL COURTS, STATE AND FEDERAL, DISALLOW COURTROOM USE OF ANYTHING ILLEGALLY OBTAINED BY LAW ENFORCEMENT OFFICERS. THE DEFENSE WILL ASK THAT ILLEGALLY SEIZED EVIDENCE BY KEPT OUT OF A CASE BY FILLING A PRE-TRIAL MOTION TO SUPPRESS SUCH EVIDENCE. IF THE PROSECUTOR IS ABLE TO CONVINCED THE JUDGE THAT THE EVIDENCE WAS PROPERLY OBTAINED, IT WILL BE ALLOWED. IF IMPROPERLY OBTAINED, THE EVIDENCE WILL BE SUPPRESSED. POLICE ALSO CANNOT MAKE ANY DERIVATIVE USE OF SUCH EVIDENCE. FOR EXAMPLE, TESTIMONY DERIVED FROM AN ILLEGAL SEARCH OF THE PREMISES OF A KNOWN DRUG DEALER THAT CULMINATES IN THE ARREST OF ANOTHER PERSON POSSESSING DRUG PARAPHERNALIA WHO IN TURN TESTIFIES AGAINST THE DRUG DEALER, CANNOT BE USED IN COURT. IN SOME STATES, SUCH AS CALIFORNIA, THE COURTS HAVE RULED THAT EVIDENCE ILLEGALLY SEIZED FROM AN ACQUAINTANCE OF THE DEFENDANT CANNOT BE USED IN COURT. THE PURPOSE OF THIS EXCLUSIONARY RULE HAS LARGELY BEEN EXTENDED TO REQUIRE THE SUPPRESSION OF ALL ILLEGALLY SEIZED EVIDENCE, REGARDLESS OF THE PERSON WHO WAS SUBJECTED TO THE ILLEGAL CONDUCT.

THE SELF-INCRIMINATION PRIVILEGE

A PERSON ASKED TO ANSWER A QUESTION THAT MAY IMPLICATE HIM IN A CRIME IS UNDER NO LEGAL OBLIGATION TO ANSWER. HIS RIGHT TO SILENCE IS KNOWN AS "PRIVILEGE AGAINST SELF-INCRIMINATION". THE PRIVILEGE AGAINST SELF-INCRIMINATION IS MAINTAINED FOR TWO REASONS: 1) *THE SHEER DISTASTE FOR A PRACTICE WHEREBY A PERSON MAY BE REQUIRED BY A COURT OR OTHER GOVERNMENTAL BODY TO SPEAK OUT AS TO WHETHER OR NOT HE IS GUILTY,* 2) *THE FEELING THAT CRIMINAL INVESTIGATORS SHOULD BE REQUIRED TO USE THEIR OWN SKILLS AND FACULTIES TO OBTAIN MORE DEPENDABLE EVIDENCE THAN THAT GIVEN BY A DEFENDANT DURING A TRIAL. THERE IS IMPLICATION OF GUILT BECAUSE THE DEFENDANT CHOOSES TO REMAIN SILENT.*

ANY COMPELLED INFORMATION IS ALSO INADMISSIBLE IN COURT. AS WELL AS ANY EVIDENCE GATHERED BECAUSE OF COERCED OR COMPELLED STATEMENT THE DEFENDANT MIGHT GIVE. NO VIOLATION OF SELF-INCRIMINATION PRIVILEGE IS INVOLVED IF, FOR EXAMPLE, THE EVIDENCE TO BE OBTAINED IS OF A PHYSICAL NATURE, SUCH AS HANDWRITING, FINGERPRINTS, A PHOTOGRAPH, OR EVEN THE SOUND OF THE DEFENDANT'S VOICE. IN PROCURING PHYSICAL EVIDENCE AGAINST THE ACCUSED THE POLICE ARE PERMITTED TO USE REASONABLE FORCE. A LIST OF THE TYPES OF PHYSICAL EVIDENCE TO BE OBTAINED BY THE EXERCISE OF REASONABLE FORCE AND UNDER REASONABLE CIRCUMSTANCES ARE AS FOLLOWS: "MUG" PHOTOGRAPHS, FINGERPRINTS, FINGERNAIL SCRAPINGS, SAMPLES OF HAIR, SPECIMENS OF BLOOD, URINE, OR BREATH, AND OBJECTS CONCEALED IN BODY CAVITIES, INCLUDING THE ANUS OR VAGINA.

A SUSPECT MAY ALSO BE REQUIRED TO: *PERMIT THE REMOVAL OF CLOTHING, PERMIT AN INSPECTION OF THE BODY FOR NOTICABLE BODY MARKS, TRY ON CLOTHING, APPEAR IN A POLICE LINE-UP*

SPEAK FOR PURPOSES OF VOICE IDENTIFICATION, PROVIDE SPECIMENS OF HANDWRITING.

THERE IS NOTHING IN THE SELF-INCRIMINATING PRIVILEGE PERMITTING A WITNESS TO REFUSE TO ANSWER QUESTIONS THAT MAY INCRIMINATE SOMEONE ELSE. A COURT MAY GRANT IMMUNITY TO A WITNESS AND THEREBY OBTAIN HIS INCRIMINATORY EVIDENCE FOR USE AGAINST SOMEONE ELSE. A GRANT OF IMMUNITY MEANS THAT WHATEVER THE WITNESS' TESTIMONY MAY BE, THE INFORMATION HE IMPARTS SHALL NOT BE USED IN A CRIMINAL PROCEEDING AGAINST HIM. BUT A PERSON GIVEN IMMUNITY MUST TESTIFY OR ELSE HE IS HELD IN CONTEMPT OF COURT, WHICH USUALLY INCLUDES A JAIL SENTENCE.

CONFESSIONS AND ADMISSIONS

A CONFESSION IS AN ACKNOWLEDGEMENT OF GUILT. AN ADMISSION IS A POTENTIALLY DAMAGING STATEMENT WHICH FALLS SHORT OF ACKNOWLEDGING GUILT. ADMISSIONS AND CONFESSIONS MUST BE SHOWN IN A COURT OF LAW TO HAVE BEEN MADE VOLUNTARILY. IN ADDITION, THE PROSECUTION MUST SHOW THAT AN ADMISSION WAS PRECEDED BY THE MIRANDA WARNINGS IN THOSE INSTANCES WHERE THE SUSPECT WAS IN CUSTODY.

CONFESSIONS MUST BE SIGNED BY THE DEFENDANT AND EVEN THEN NO USE OF THIS EVIDENCE CAN BE MADE UNLESS SOMEONE TESTIFIES "FROM FIRST HAND INFORMATION" THAT THE WORDS OR VOICE SOUNDS ARE THOSE OF THE ACCUSED. THE JUDGE WILL DECIDE WHETHER A STATEMENT OR A CONFESSION IS ADMISSIBLE OR INADMISSIBLE. IF THE JUDGE DECIDES THAT THE CONFESSION IS ADMISSIBLE THEN THE DOCUMENT BECOMES AN OFFICIAL COURT RECORD. ANY STATEMENT MADE BY THE ACCUSED THAT IS IN THE POSSESSION OF THE PROSECUTION MUST BE MADE AVAILABLE FOR SCRUTINY BY THE DEFENSE.

IN SOME CASES, THE PROSECUTION MAY BE COMPELLED TO ADVISE THE DEFENSE COUNSEL BEFORE THE TRIAL OF THE ESSENTIAL CONTENTS OF THE CONFESSION.

AN ORAL CONFESSION IS ADMISSIBLE IN ALL STATES, EXCEPT TEXAS. BUT, IT IS GENERALLY PERCEIVED THAT WRITTEN CONFESSIONS CARRY MORE WEIGHT IN A COURTROOM. EVEN WHEN A WRITTEN CONFESSION BEARS THE CONFESSOR'S SIGNATURE AND THAT IT ACCURATELY REPRESENTS WHAT THE CONFESSOR SAID.

A CONFESSION MUST OMIT OTHER UNRELATED OFFENSES. A GOOD RULE TO FOLLOW IS WHEN MULTIPLE OFFENSES ARE INVOLVED, SEPARATE CONFESSIONS SHOULD BE TAKEN, WITHOUT MENTION OF ANY OTHER UNRELATED OFFENSES OR MISDEEDS.

EYEWITNESS AND VOICE IDENTIFICATION EVIDENCE

TWO OF THE LEAST RELIABLE TYPES OF EVIDENCE USED IN A COURTROOM TRIAL ARE EYEWITNESS AND VOICE IDENTIFICATION. TO ASSURE EYEWITNESS IDENTIFICATIONS ARE DONE PROPERLY A "LINEUP" IS USED. THIS MUST BE DONE FAIRLY AND THE SUSPECT'S LAWYER MUST BE PRESENT AT THE TIME OF THE VIEWING. LAW ENFORCEMENT OFFICIALS AND THE PROSECUTOR MUST ESTABLISH THAT THE EYEWITNESS HAD A GOOD LOOK AT THE OFFENDER AND THAT THERE IS NO MISTAKE IN IDENTITY. IT IS NOW POSSIBLE TO BE GIVEN A COURT ORDER TO HAVE A PERSON WHO IS ONLY "REASONABLY SUSPECT" TO APPEAR IN A LINE-UP.

OPINION EVIDENCE: LAY AND EXPERT

AS A GENERAL RULE, WITNESSES ARE NOT ASKED TO OFFER OPINIONS. THEY'RE TO RELATE FACTS AND NOT INDULGE IN INFERENCES. BUT THERE ARE EXCEPTIONS. A LAY WITNESS MAY

IMPART AN OPINION IN DESCRIBING WHAT HE SAW ONLY IF HE CAN IMPART ANYTHING OF VALUE TO THE JUDGE OR JURY. FOR EXAMPLE, A WITNESS STATING THAT A CAR WAS TRAVELLING "AT A HIGH RATE OF SPEED" EVEN THOUGH THE EXACT SPEED MAY BE UNKNOWN TO HIM, IS A LAY OPINION.

EXPERT OPINIONS ARE GIVEN BY PEOPLE WHO HAVE A SPECIALIZED SKILL SUCH AS ART, SCIENCE, BUSINESS, OR PROFESSIONAL OCCUPATION BEYOND THE CAPACITY OF THE AVERAGE LAYMAN. BECAUSE A JUDGE OR JURY MAY NOT SHARE THE SAME EXPERTISE AS THE WITNESS AND THEREFORE MIGHT NOT UNDERSTAND HIS TESTIMONY, HE CAN GIVE OPINION, BUT HE MUST NOT TRY TO SETTLE THE "ULTIMATE ISSUE" IN THE CASE. OFTEN, AN EXPERT WITNESS MUST STATE HIS QUALIFICATIONS, AND THE JUDGE MAKES THE DECISION AS TO WHETHER THE PERSON TESTIFYING IS AN EXPERT.

MAPS, DIAGRAMS, SKETCHES, MODELS, AND PHOTOGRAPHS

COURTROOMS MAKE FREQUENT USE OF MAPS, DIAGRAMS, SKETCHES, MODELS AND PHOTOGRAPHS OF CRIME SCENES, BODIES, OR OTHER RELEVANT OBJECTS CONCERNING A CRIMINAL PROSECUTION. ALL THAT IS NEEDED FOR PRESENTATION OF THESE IS A "SPONSORING WITNESS" TO TESTIFY THAT HE IS FAMILIAR WITH WHAT IS BEING SHOWN AND THAT THE EXHIBIT IS A TRUE AND ACCURATE REPRESENTATION OF WHAT IT PURPORTS TO SHOW. THE BEST EXHIBITS ARE THOSE RECORDED AT THE CRIME SCENE SHORTLY AFTER THE OCCURRENCE OF THE CRIME. PHOTOGRAPHS CAN BE USED TO RECONSTRUCT A CRIME SCENE IN A COURTROOM. BUT ANY PHOTOGRAPHS USED, SPECIFICALLY THOSE TAKEN WITH COLOR FILM, MUST NOT ENHANCE THE HORROR OR GRUESOMENESS OF A SITUATION CREATING A "PREJUDICIAL EFFECT" OUTWEIGHING ITS "PROBING VALUE".

SCIENTIFIC EVIDENCE

THE RESULTS OF SCIENTIFIC INVESTIGATIONS BY MEN OF SCIENCE ARE ADMISSIBLE PROVIDED THE RESULTS STEM FROM TECHNIQUES OR PROCEDURES ACCEPTED BY A PARTICULAR FIELD OF SCIENCE, OR BY A SPECIALTY WITHIN THAT FIELD. A LAWFULLY ARRESTED PERSON MUST SUBMIT FOR PHYSICAL SPECIMENTS SOUGHT FOR SCIENTIFIC TESTS. BUT UNTIL RECENTLY, PHYSICAL EVIDENCE COULD NOT LEGALLY BE TAKEN FROM A SUSPECT AS EASILY AS FROM A PROBABLE OFFENDER. BUT IN SOME JURISDICTIONS, A LEGAL PROCEDURE IS NOW AVAILABLE FOR SECURING THE DESIRED EVIDENCE WHERE THERE IS A FAIR MEASURE OF THE SUSPICION OF GUILT.

ACCOMPLICE TESTIMONY AND THE CONFESSION OF AN ACCOMPLICE

WHEN ONE SUSPECT ADMITS HIS GUILT AND IS WILLING TO TESTIFY AGAINST ANOTHER OFFENDER, THERE IS NO LEGAL OBSTACLE TO THE PROSECUTION'S USE OF HIM AS A WITNESS SINCE HE IS AVAILABLE FOR CROSS-EXAMINATION, THERE CAN BE NO OBJECTION MADE ON THE BASIS OF THE HEARSAY RULE. BUT AS MENTIONED BEFORE, A CONFESSION OF ONE OF TWO SUSPECTS IN A CASE CANNOT BE USED AGAINST THE OTHER. THE PROSECUTION MUST TRY THE CONFESSOR SEPARATELY FROM ANY OTHERS INVOLVED IN THE CASE, OR, IF THEY'RE ALL TRIED TOGETHER, THE PROSECUTOR MUST REFRAIN FROM USING THE CONFESSION AS EVIDENCE.

WHENEVER AN ACCOMPLICE GIVES STATE'S EVIDENCE, A TRIAL JUDGE MUST CAUTION THE JURY TO CONSIDER THE ACCOMPLICE'S POSSIBLE MOTIVATION TO LIE. A CONVICTION CANNOT BE MADE ON AN ACCOMPLICE'S TESTIMONY ALONE.

EVIDENCE OF OTHER CRIMES COMMITTED BY THE ACCUSED

A DEFENDANT'S PAST CRIMINAL RECORD CANNOT BE OFFERED AS EVIDENCE AGAINST HIM. THE RATIONALE BEHIND THIS RULE IS THAT JURORS MAY BE UNFAIRLY PREJUDICED AGAINST THE DEFENDANT IF THEY LEARN OF HIS PREVIOUS CRIMINAL ACTIVITY. OF CORSE, THERE ARE EXCEPTIONS. FOR INSTANCE, IF A DEFENDANT HIMSELF INTRODUCES EVIDNECE TO THE CONTARY. OR IF THE DEFENDANT TAKES THE WITNESS STAND FOR HIS OWN DEFENSE; THIS WILL ALLOW THE PROSECUTION TO ATTACK HIS CREDIBILITY, WHEREIN MENTION OF HIS PAST CAN BE MADE. ANOTHER IMPORTANT EXCEPTION IS WHERE A DEFENDANT PAST CRIMINAL RECORD MAY EXPLAIN INTENT, LACK OF MISTAKE, MOTIVE, OR TENDS TO SHOW A COMMON SCHEME OR PLAN. IN OTHER WORDS, THERE MAY BE A HISTORY OF ACTIVITY THAT MIGHT EXPLAIN THE PARTICULAR ACT ITSELF. FOR EXAMPLE, A DEFENDANT WITH A HISTORY OF BREAKING AND ENTERING CLAIMS IT WAS ONLY BY MISTAKE THAT HE FORCED HIMSELF INTO A HOUSE, SINCE HE BELIEVED HIS FRIEND RESIDED THERE.

PRIVILEGED COMMUNICATIONS

CONVERSATION BETWEEN A CLIENT AND HIS ATTORNEY CANNOT BE USED IN COURT UNLESS THE CLIENT CONSENTS. THE ASSUMPTION IS THAT A CLIENT BELIEVES THAT HE IS TALKING TO AN ATTORNEY IN A PROFESSIONAL CAPACITY AND THAT THE COMMUNICATIONS MUST BE KEPT CONFIDENTIAL. BUT ACTUALLY, THE ONLY THING NECESSARY FOR THIS RULE TO BE INVOKED IS WHEN THE CLIENT BELIEVES HE IS TALKING TO AN ATTORNEY-- EVEN IF HIS ATTORNEY IS AN IMPOSTOR, A SUSPECT IS LEGAL LY

PROTECTED BY THE RELATIONSHIP HE MAY BELIEVE EXISTS BETWEEN THEM. ONLY THE CLIENT CAN WAIVE THIS PRIVILEGE, AND EVEN AFTER THE CLIENT'S DEATH THE RULE IS STILL IN EFFECT, EXCEPT IN THE CASE OF A WILL REGARDING THE DISPOSITION OF PROPERTY. THIS PRIVILEGE EXTENDS TO WRITTEN WORDS AS WELL AS SPOKEN. IN ADDITION, ANYTHING AN ATTORNEY MAY UNCOVER WHILE WORKING FOR THE DEFENDANT IS COVERED BY THIS RULE. EXCEPTIONS CAN BE MADE IN CONSIDERATION OF PUBLIC WELFARE AND SAFETY AS WELL AS IN AN ATTORNEY'S DEFENSE OF HIMSELF AND HIS REPUTATION.

LIKewise, A PHYSICIAN-PATIENT PRIVILEGE EXISTS THAT EXCLUDES CONFIDENTIAL INFORMATION MADE BY A PATIENT TO HIS PHYSICIAN--THE RULING IS DESIGNED TO PROMOTE THE HEALTH OF THE PATIENT WITHOUT REGARD FOR THE LEGAL CONSEQUENCES OF FULL DISCLOSURE. IN ORDER FOR THE RULE TO BE IN EFFECT A "CONFIDENTIAL COMMUNICATION" OUT OF THE PRESENCE OF OTHER PEOPLE MUST BE MADE. AN EXAMINATION IS CONSIDERED A "CONFIDENTIAL COMMUNICATION". AS IN AN ATTORNEY-CLIENT PRIVILEGED COMMUNICATION, THE PRIVILEGE WORDS ON BEHALF OF THE PATIENT. BUT THE PRIVILEGE DOES NOT EXTEND TO CASES INVOLVING A PERSONAL INJURY SUIT. A PHYSICIAN MAY BE ASKED TO TESTIFY TO THE EXTENT OF INJURIES SUFFERED BY THE INJURED PARTY. IN ADDITION, BULLET WOUNDS AND OTHER TYPES OF INJURIES OR DISEASE MUST BE REPORTED TO A GOVERNMENTAL AGENCY IF THE LAW REQUIRES IT.

ANY COMMUNICATION BETWEEN A WIFE AND HUSBAND WILL USUALLY NOT BE ALLOWED INTO EVIDENCE AT A TRIAL. NEITHER HUSBAND OR WIFE CAN BE COMPELLED TO TESTIFY ABOUT CONFIDENTIAL COMMUNICATIONS MADE BY ONE ANOTHER DURING THEIR MARRIAGE.

IF A THIRD PARTY OR A CHILD OVERHEARS THE CONVERSATION, THE COMMUNICATION IS NOT PRIVILEGED. COMMUNICATIONS PRIOR TO A MARRIAGE, OR AFTER A DIVORCE, OR DURING A HOSTILE SEPARATION ARE NOT PRIVILEGED. THE PRIVILEGE SURVIVES AFTER DEATH. A SPOUSE CAN, HOWEVER, TESTIFY AGAINST THE OTHER IF ONE SEES AN ACT, SUCH AS MURDER, COMMITTED BY THE OTHER. SINCE TESTIFYING TO SOMETHING THAT WAS SEEN AND NOT "COMMUNICATED", THE PRIVILEGE DOES NOT APPLY.

IN SOME STATES COMMUNICATION BETWEEN ACCOUNTANTS AND CLIENTS CAN BE JUDGED TO BE PRIVILEGED. ALSO, A MINISTER, PRIEST, RABBI, OR OTHER SPIRITUAL ADVISOR CANNOT TESTIFY AGAINST A DEFENDANT IF HE HAS PRIVILEGED INFORMATION, UNLESS THAT INFORMATION WAS IMPARTED IN THE PRESENCE OF A THIRD PERSON.

NEWS MEDIA PERSONNEL MAY BE COVERED BY A PRIVILEGE TO PROTECT THEIR SOURCES. THE PRIVILEGE BELONGS TO THE NEWSMAN, NOT THE INFORMER. LAW ENFORCEMENT OFFICERS ALSO HAVE THE RIGHT TO REFUSE THE NAME OF AN INFORMANT OR TO DIVULGE THEIR IDENTITY. EXCEPTIONS OCCUR WHEN THE INFORMANT WAS A CO-PARTICIPANT IN THE CRIME WITH THE DEFENDANT OR WHEN DISCLOSURE OF THE INFORMANT'S IDENTITY WOULD AID IN THE DEFENSE.

THE INVESTIGATOR'S ROLE IN SECURING EVIDENCE

AN INVESTIGATOR MUST USUALLY PROCURE MORE INCRIMINATING EVIDENCE THAN THAT WHICH HAS CONVINCED HIM OF A SUSPECT'S GUILT. THIS IS BECAUSE JURY TRIALS INVOLVE PEOPLE WHO BECAUSE OF THEIR LACK OF TRAINING OR INEXPERIENCE, MIGHT BELIEVE THE EVIDENCE PRESENTED DID NOT CONVINCING THEM "BEYOND A SHADOW OF A DOUBT."

ANY EVIDENCE IN FAVOR OF THE DEFENSE MUST NOT BE CONCEALED FOR THE DEFENSE BY A PROSECUTING ATTORNEY OR A LAW ENFORCEMENT AGENCY. IN VERY MUCH THE SAME WAY THE DEFENSE MUST INFORM THE PROSECTING ATTORNEY IF THEIR DEFENSE IS BASED ON AN ALIBI, OR, IN SOME ATATES, IF THE DEFENDANT CHOOSES AN INSANITY PLEA.

FOR THE INVESTIGATING OFFICER A GOOD RULE TO FOLLOW IN PROCURING EVIDENCE IS TO ASK HIMSELF WHETHER, "THE INFORMATION GATHERED WOULD CONVINCCE ANY ORDINARY LAYMAN, WITHOUT POLICE KNOWLEDGE, OR A PERSON'S GUILT BEYOND A REASONABLE DOUBT."

THE OFFICER AS A COURTROOM WITNESS

EVEN THE BEST OF POLICE WORK CAN BE COMPLETELY OBLITERATED BY A FEW MINOR MISTAKES IN COURTROOM PREPARATION OR A POOR PERFORMANCE BY THE INVESTIGATOR. THEREFORE, IT IS WISE THAT AN INVESTIGATOR PREPARES A PERSUASIVE AND EXACTING TESTIMONY.

PREPARATION FOR THE TRIAL BEGINS AT THE START OF AN INVESTIGATION. THE IMPORTANCE OF REPORT WRITING AND ACCURATE DETAIL CANNOT BE OVEREMPHASIZED. INACCURACY IN POLICE REPORTS CAN SERIOUSLY DAMAGE THE PROSECUTION'S CASE BY GIVING A DEFENSE ATTORNEY THE OPPORTUNITY TO PROVE INAXXURACY IN ALL THE PROSECUTION'S FINDINGS. OFFICERS MUST UNDERSTAND AND REPORT CLEARLY WHAT A WITNESS HAS SAID TO THEM. IT IS BETTER FOR AN OFFICER TO RECORD A DESCRIPTION IN FAIRLY GENERAL TERMS SIMPLY BECAUSE EYEWITNESS REPORTS AND INDENTIFICATIONS ARE

FALLIBLE. THE WITNESS SHOULD BE ALLOWED SOME FLEXIBILITY.

BEFORE ACTUALLY TAKING THE WITNESS STAND, AN OFFICER SHOULD REVIEW HIS NOTES AS WELL AS THOSE OF ANY FELLOW OFFICER. HE SHOULD MEET WITH THE PROSECUTOR AND BE SURE THAT PROSPECTIVE WITNESSES REFRESH THEIR RECOLLECTION BY EXAMINING STATEMENTS THEY MAY HAVE MADE PREVIOUSLY. PROSECUTORS MAY MEET WITH OFFICERS THEMSELVES TO DISCUSS THEIR TESTIMONY---THIS IS LEGALLY PERMISSIBLE. AN OFFICER CAN ALSO DISCUSS THE CASE WITH A FELLOW OFFICER. HE SHOULD HAVE NO RESERVATIONS IN THE COURTROOM ABOUT TELLING THE DEFENSE OR THE PROSECUTING ATTORNEY THAT HE HAS DISCUSSED THE CASE. ANY SIGN OF DISHONESTY MAY PUT THE OFFICER'S ENTIRE TESTIMONY IN A BAD LIGHT.

A TESTIFYING OFFICER MUST LOOK THE PART. PROFESSIONAL APPEARANCE AND PROFESSIONAL CONDUCT MAKE HIS TESTIMONY THAT MUCH MORE EFFECTIVE. HE SHOULD ADDRESS THE JURY. PARTICULAR CARE SHOULD BE TAKEN TO AVOID GIVING ANY UNSOLICITED INFORMATION ABOUT A CRIMINAL'S PRIOR RECORD OR ARREST. HE SHOULD AVOID USING VERNACULAR OR SLANG. THE VICTIM OF THE CRIME SHOULD BE REFERRED TO BY LAST NAME, AND SO SHOULD THE DEFENDANT. HE SHOULD NOT BE CALLED "THE OFFENDER", NOR SHOULD THE VICTIM BE CALLED "THE VICTIM"---THE IMPLICATION BEING OF THE DEFENDANT'S GUILT IN THE CASE. HE SHOULD CALL THE JUDGE "YOUR HONOR", INSTEAD OF JUDGE. ABOVE ALL ELSE, AN OFFICER MUST BE TRUTHFUL ON THE WITNESS STANE. THE RIGHTS OF AN INNOCENT PERSON MUST BE GUARDED AND RESPECTED AT ALL TIMES--- A POLICE OFFICER MUST NEVER PERJURE HIMSELF.



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PRESENTING YOURSELF WITH PROFESSIONALISM

A COMMON FAILING OF NOVICE SECURITY OFFICERS IS ATTEMPTING TO REPRESENT THEMSELVES AS HAVING AUTHORITY OR STATUS BY BEING CUTE AND OVERLY AGGRESSIVE. THOSE WHO CANNOT COMFORTABLY PRESENT THAT IMAGE TRY TO BE OVERLY FRIENDLY TO GET EVERYONE TO "LIKE" THEM. NEITHER APPROACH ESTABLISHES THE IMAGE A SECURITY OFFICER MUST PRESENT TO BE EFFECTIVE.

AS A SECURITY OFFICER YOU WILL BE INVOLVED WITH PEOPLE BOTH DIRECTLY AND INDIRECTLY. YOUR DIRECT INVOLVEMENT BY TELEPHONE, MEANS OF THE WRITTEN WORD AND FACE-TO-FACE CONTACT. YOU WILL FIND YOURSELF INVOLVED IN SECURITY MATTERS THAT ARE THE RESULT OF PEOPLE'S THOUGHTLESSNESS, CARELESSNESS AND SOMETIMES EVEN DISHONEST ACTS.

HOW YOU HANDLE YOUR DIRECT AND INDIRECT RELATIONS WITH PEOPLE DETERMINES YOUR EFFECTIVENESS AS A SECURITY OFFICER. CONSISTENT BUT PROFESSIONAL COURTESY IS ABSOLUTELY NECESSARY IN ALL OF YOUR DEALINGS WITH PEOPLE. "CONSISTENT" MEANS YOU DO NOT GIVE IN TO YOUR PERSONAL MOODS OR PROBLEMS WHILE ON THE JOB.

ALWAYS GREET THOSE YOU COME IN CONTACT WITH (DIRECT OR INDIRECT) IN A PLEASANT MANNER ("GOOD MORNING, MAY I HELP YOU?") IF YOU ARE CONSISTENTLY COURTEOUS, YOU WILL FIND THAT MOST OF THE TIME PEOPLE WILL RETURN THAT COURTESY IN THEIR DEALINGS WITH YOU. THIS WILL ALLOW YOU TO DEAL WITH THEM IN A PROFESSIONAL MANNER AS YOU PERFORM YOUR DUTIES. FOR EXAMPLE, "GOOD MORNING, WILL YOU PLEASE SIGN OUR GUEST REGISTER?" IS MORE EFFECTIVE THAN, "YOU HAVE TO SIGN OUR VISITORS REGISTER BEFORE I CAN LET

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YOU IN". IN ONE INSTANCE YOU HAVE IMMEDIATELY CHALLENGED THE VISITOR BY SAYING YOU HAVE THE AUTHORITY TO STOP THEM FROM ENTERING (WHICH YOU DO !) AND IN THE OTHER YOU MADE A REASONABLE AND COURTEOUS REQUEST.

BE POLITELY FIRM AND ALWAYS POSITIVE

EXPLAIN TO THOSE YOU DEAL WITH WHAT YOU ARE DOING AND WHAT YOU WOULD LIKE THEM TO DO SLOWLY, CLEARLY AND PLEASANTLY.

FOR EXAMPLE: "GOOD MORNING, PLEASE SIGN OUR VISITORS REGISTER, AFTER WHICH I WILL CONTACT THE PARTY YOU WISH TO SEE TO LET THEM KNOW YOU ARE HERE. THE COMPANY REQUIRES ALL VISITORS TO BE BADGED AND ESCORTED, SO THEY WILL HAVE TO SEND SOMEONE FOR YOU BEFORE YOU MAY ENTER THE FACILITY. THERE IS A WAITING AREA FOR YOU TO USE LOCATED BEHIND YOU".

WHILE COMPLETING THE PAPER WORK FOR ISSUING THE VISITORS BADGE WHILE WAITING FOR THE ESCORT CONVEY TO THE VISITOR THAT YOU ARE MOVING THE PROCESS ALONG AS QUICKLY AS YOU CAN. IF THERE ARE SNAGS, PERHAPS THE ESCORT TAKES MORE THAN A REASONABLE AMOUNT OF TIME, INFORM THE VISITOR THAT YOU WILL CALL AGAIN TO MOVE THE PROCESS ALONG, WHILE APOLOGIZING FOR THE DELAY. ALL OF THIS IS COMMON COURTESY, YET IT IS MOST EFFECTIVE IN CONVEYING PROFESSIONALISM AND PERSONAL INTEREST, BOTH OF WHICH MAKES DEALING WITH PEOPLE EASIER.

IN THE PREVIOUS EXAMPLE THE VISITOR WAS USED TO ILLUSTRATE PROFESSIONAL BEHAVIOR. THE SAME PROFESSIONALISM MUST BE SHOWN IN DEALING WITH FELLOW EMPLOYEES TO EVEN A GREATER DEGREE, SINCE VISITORS TEND TO BE ON THEIR BEST BEHAVIOR, IN MOST INSTANCES, WHILE EMPLOYEES SOMETIMES ARE NOT. FOR EXAMPLE: "I'M SORRY YOU FORGOT YOUR BADGE TODAY, BUT IT IS COMPANY POLICY THAT YOU HAVE A BADGE SO WE WILL ISSUE YOU A TEMPORARY PASS WHICH YOU CAN RETURN TOMMORROW WHEN YOU BRING IN YOUR OWN BADGE".



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SEARCH AND SEIZURE

THE LAW OF SEARCH AND SEIZURE STEM FROM THE FOURTH AMENDMENT OF THE U.S. CONSTITUTION.

IN THIS SECTION OF YOUR TRAINING MANUAL WE WILL ACQUAINT YOU WITH THE PROVISIONS OF THE FOURTH AMENDMENT AND THE INTERPRETATIONS OF THE MEANINGS OF THESE PROVISIONS.

BUT BEFORE WE BEGIN, IT MUST BE MADE CLEAR THAT THE LAWS OF SEARCH AND SEIZURE APPLY ONLY TO ACTIONS OF LAW ENFORCEMENT OFFICERS. THE LAWS OF SEARCH AND SEIZURE DO NOT APPLY TO PRIVATE CITIZENS (PRIVATE POLICE AND PRIVATE CITIZENS).

HOWEVER, A PROBLEM ARISES IF AND WHEN YOU AS A SECURITY OFFICER ARE DEPUTIZED, ARE COMMISSIONED BY A LAW ENFORCEMENT AGENCY OR ARE WORKING WITH A LAW ENFORCEMENT PERSON. UNDER THOSE CONDITIONS, THE LAWS OF SEARCH AND SEIZURE MAY WELL APPLY AND USUALLY DO APPLY TO YOU.

ONE FURTHER POINT REGARDING THE "LAWS" AS THEY APPLY TO YOU. SEARCH AND SEIZURE IS ALWAYS A SENSITIVE MATTER IN SECURITY. LEGAL ACTIONS BY CITIZENS CAN BE BROUGHT AGAINST BOTH YOU AND P.S.I. SO, IT IS WELL THAT YOU HAVE A WORKING UNDERSTANDING OF THE "LAWS". REMEMBER, WE ARE ALL CITIZENS AND THE CONSTITUTIONAL AMENDMENTS ARE THERE FOR OUR PROTECTION AGAINST GOVERNMENT ABUSE. AS SECURITY OFFICERS WE SHOULD STRIVE TO UPHOLD AND PRESERVE THOSE AMENDMENTS.

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THE FOURTH AMENDMENT TO THE U.S. CONSTITUTION GUARANTEES:

"...THE RIGHT OF THE PEOPLE TO BE SECURE IN THEIR PERSONS, HOUSES, PAPERS AND POSSESSIONS, AGAINST UNREASONABLE SEARCHES AND SEIZURE SHALL NOT BE VIOLATED..."

"...AND NO WARRANT SHALL ISSUE, BUT UPON PROBABLE CAUSE, SUPPORTED BY OATH OR AFFIRMATION, AND PARTICULARLY DESCRIBING THE PLACE TO BE SEARCHED, AND THE PERSON OR THINGS TO BE SEIZED."

LET'S ANALYZE THE WORDING OF THE FOURTH AMENDMENT AS STATED ABOVE. WE HAVE DIVIDED THE AMENDMENT INTO TWO SECTIONS FOR EASE OF REFERENCE.

SECTION ONE

THE KEY WORD IS UNREASONABLE. SEARCHES MAY BE MADE. A SEARCH MAY BE OF A PERSON OR A PLACE. THE LAW STATES THAT THE SEARCH OF A PERSON OR PLACE MAY NOT BE UNREASONABLE. THEREFORE, SEARCHES MUST BE REASONABLE.

SECTION TWO

THIS SECTION SETS FORTH THE REQUIREMENTS FOR A SEARCH WARRANT. HOWEVER, A WARRANT NEED NOT BE OBTAINED BEFORE CONDUCTING A SEARCH. YET, THE LAW APPLIES TO SEARCHES WITH OR WITHOUT WARRANT.

SEIZURE MAY BE OF A PERSON (ARREST) OR MATERIAL (CONTRABAND, EVIDENCE, ETC).

NOW THAT WE HAVE LOOKED AT THE LAW REGARDING SEARCH AND SEIZURE, LET'S LOOK AT THE MEANINGS AS THEY HAVE BEEN INTERPRETED BY THE U.S. SUPREME COURT.

SEARCHES - THE U.S. SUPREME COURT (1947) RULED THAT ONLY UNREASONABLE SEARCHES ARE PROHIBITED. FURTHER, THE U.S. SUPREME COURT STATED THAT REASONABLENESS CANNOT BE DEFINED IN RIGID TERMS. EACH CASE MUST BE DECIDED ON ITS OWN FACTS AND CIRCUMSTANCES.

SO, HOW DO WE DECIDE WHEN A SEARCH IS REASONABLE? THE ANSWER IS NOT EASY. IT IS BASED ON CERTAIN LONGSTANDING DEFINITIONS, AND CERTAIN "DOCTRINES", AND CERTAIN COURT RULINGS.

BEFORE GOING ON, A FEW BASIC DEFINITIONS WILL BE HELPFUL IN UNDERSTANDING DECISIONS REGARDING REASONABLE SEARCHES.

ARREST MEANS TAKING A PERSON INTO CUSTODY IN A MANNER AUTHORIZED BY LAW.

SEARCH MEANS EXAMINATION OF A PERSON'S HOUSE, PREMISES, OR PERSON FOR THE PURPOSE OF OBTAINING PROOF OF HIS GUILT IN RELATION TO SOME CRIME OR MISDEMEANOR OF WHICH HE IS ACCUSED.

WARRANT. A SEARCH WARRANT IS AN ORDER IN WRITING, IN THE NAME OF THE PEOPLE, SIGNED BY A MAGISTRATE, DIRECTED TO A POLICE OFFICER, COMMANDING HIM TO SEARCH FOR PERSONAL PROPERTY, AND BRING IT BEFORE THE MAGISTRATE.

MAGISTRATE. A JUDGE OR JUSTICE OF THE PEACE.

PLAIN VIEW DOCTRINE. WHEN POLICE ARE AT A PLACE WHERE THEY ARE LAWFULLY ENTITLED TO BE, THEY MAY SEIZE EVIDENCE THAT IS IN THEIR "PLAIN VIEW". OBSERVATIONS DO NOT AMOUNT TO A SEARCH. THERE MUST BE NO SUBTERFUGE BY POLICE TO BE WHERE THEY ARE.

UNLAWFUL SEARCH. A SEARCH IS UNLAWFUL WHEN:

1. IT IS UNREASONABLE - FOR EXAMPLE,
 - A. EXPLORATORY SEARCH OR RUMMAGING UNDER PRETEXT OF

PROPER SEARCH.

B. ARREST FOR DRUNK DRIVING WOULD NOT JUSTIFY SEARCH OF CAR TRUNK TO OBTAIN EVIDENCE OF DRUNK DRIVING.

- 2. IT IS MADE WITHOUT AUTHORITY OF LAW.*
- 3. THE SEARCH IS CONTRARY TO THE REQUIREMENTS OF THE U.S. CONSTITUTION.*

EXCLUSIONARY RULE

1. EXCLUDES FROM COURT ILLEGALLY OBTAINED EVIDENCE.
2. ADOPTED BY U.S. SUPREME COURT, 1914.
3. BEFORE 1914, EVIDENCE WAS USED IN COURT NO MATTER HOW OBTAINED - GUILT OR INNOCENCE OF ACCUSED WAS ONLY CONCERN.
4. BY 1961, 26 STATES STILL HAD NO EXCLUSIONARY RULE.
5. IN 1961, U.S. SUPREME COURT RULED THAT EVIDENCE OBTAINED BY SEARCH AND SEIZURE IN VIOLATION OF THE FOURTH AMENDMENT WAS NOT ADMISSIBLE IN A STATE COURT, JUST AS IT IS NOT ADMISSIBLE IN A FEDERAL COURT.

THE BEST, MOST LAWFUL BASIS FOR A SEARCH IS A SEARCH WARRANT. A SEARCH WARRANT MAY BE ISSUED ON THE BASIS OF A COMPLAINT AFFIDAVIT WITH PROBABLE CAUSE. WARRANTS (SEARCH) ARE USUALLY GOOD FOR FOURTEEN DAYS, ONCE ISSUED, POLICE MAY BREAK DOWN DOORS, WINDOWS, OR ANY PART OF THE BUILDING TO EXECUTE A WARRANT IF REFUSED ENTRY AFTER ANNOUNCING THEIR AUTHORITY AND PURPOSE.

SEARCHES WITHOUT WARRANT MUST TAKE PLACE AFTER AN ARREST. AN ARREST MUST NOT BE MADE AS AN EXCUSE FOR SEARCH. THESE KINDS OF SEARCHES MUST BE FOR SELF-DEFENSE OR PRESERVATION OF EVIDENCE SUCH AS FRUITS OF A CRIME, WEAPONS OR INSTRUMENTS USED TO COMMIT THE CRIME FOR WHICH ARRESTED. THIS KIND OF

SEARCH IS CONFINED TO THE ARRESTED PERSON AND AREA WITHIN THE ARRESTEE'S IMMEDIATE CONTROL TO FIND WEAPONS, EVIDENCE, ETC.

A PERSON MAY WAIVE HIS RIGHTS AND SUBMIT TO A VOLUNTARY SEARCH. BUT IT MUST BE TRULY VOLUNTARY - NO COERCION, NO PROMISES BY POLICE. THE RULES FOR A VOLUNTARY SEARCH ARE MANY:

1. CONSENTING PERSON MUST HAVE THE RIGHT OF CONSENT.
FOR EXAMPLE:

- A. WIFE MAY CONSENT TO SEARCH OF HOME OCCUPIED BY HERSELF AND HER HUSBAND.
- B. FATHER MAY NOT GIVE CONSENT TO SEARCH HIS 19 YEAR OLD'S PERSONAL BELONGINGS.
- C. LANDLORD MAY NOT CONSENT TO SEARCH OF HIS TENANT'S APARTMENT.

2. SEARCH MAY NOT EXTEND BEYOND LIMITS WHERE CONSENT IS GIVEN.
 - A. CONSENT TO SEARCH PURSE DOES NOT EXTEND TO CONSENT TO SEARCH PACKAGE.
 - B. CONSENT TO SEARCH KITCHEN DOES NOT PERMIT SEARCH OF BEDROOM.

3. consent may be withdrawn at any time. police must STOP SEARCH AND LEAVE PREMISES.

SEARCH UNDER EXCEPTIONAL CIRCUMSTANCES

THIS TYPE OF SEARCH IS WITHOUT WARRANT AND WITHOUT ARREST. IT IS AN "EMERGENCY" TYPE WHERE THERE IS NO TIME TO OBTAIN A WARRANT AND THERE IS DANGER OF EVIDENCE BEING DESTROYED OR REMOVED. PROBABLE CAUSE IS NECESSARY, WHICH MEANS THAT THERE MUST BE "GOOD REASON" TO BELIEVE THAT THE SEARCH IS NECESSARY

TO PRESERVE EVIDENCE OF A CRIME. THIS KIND OF SEARCH FREQUENTLY APPLIES TO AUTOMOBILES BECAUSE OF THEIR HIGH MOBILITY. BUT REMEMBER, PROBABLE CAUSE IS NECESSARY.

YOU HAVE BEEN GIVEN THE BASIC INFORMATION ABOUT SEARCH AND SEIZURE. AGAIN, WE WISH TO STRESS THAT THE RULES APPLY TO LAW ENFORCEMENT OFFICERS, NOT TO PRIVATE CITIZENS OR TO PRIVATE POLICE. HOWEVER, IT IS BEST THAT YOU BE AWARE OF THE RULES - LAWS - SO THAT YOU AVOID VIOLATING A PERSON'S CONSTITUTIONAL RIGHTS, AND YOU MUST BE ESPECIALLY CAREFUL TO OBSERVE THE LAWS IF YOU ARE COMMISSIONED, DEPUTIZED OR WORKING WITH POLICE OFFICERS IN A SEARCH AND SEIZURE SITUATION.

CHIEFLY, WE HOPE THAT YOU HAVE GAINED SOME BASIC UNDERSTANDING OF WHEN A SEARCH/SEIZURE IS REASONABLE AND THE CONDITIONS THAT MUST EXIST IN ORDER TO KEEP THE SEARCH REASONABLE.

YOU ARE NOT A POLICE OFFICER, YET YOU MAY WELL FIND YOURSELF IN A SEARCH AND SEIZURE TYPE OF SITUATION IN WHICH YOU ARE NOT DEPUTIZED. WE REFER TO THE POSSIBILITY THAT YOU MAY BE CALLED UPON TO SEARCH:

1. VEHICLES
2. PURSES
3. PRIVATE PACKAGES
4. PERSONAL LOCKERS
5. PERSONAL TOOL BOXES
6. A PERSON'S CLOTHED BODY

ON THE SIX CIRCUMSTANCE LISTED ABOVE, HOW SHOULD YOU PROCEED WITHOUT VIOLATING A CITIZEN'S CONSTITUTIONAL RIGHTS? WE WILL TRY TO ANSWER THAT QUESTION.

FIRST, NOTE THAT THE LAWS OF SEARCH AND SEIZURE ALLOW FOR VOLUNTARY SEARCH. IN ANY FACILITY TO WHICH YOU ARE ASSIGNED, SEARCHES INVOLVING THE SIX AREAS LISTED (AND OTHERS NOT LISTED) SHOULD BE MATTERS OF CLIENT POLICY. THAT POLICY SHOULD BE CLEARED THROUGH THE CLIENT'S UPPER MANAGEMENT AND LEGAL COUNSEL. THE EMPLOYEES SHOULD BE SPECIFICALLY INFORMED IN ADVANCE AS SHOULD VISITORS AND VENDORS. ONLY THEN SHOULD SEARCHES BE CONDUCTED. IT CAN BE PRESUMED THAT EMPLOYEES WHO REMAIN WITH THE COMPANY WILL VOLUNTARILY COMPLY WITH SEARCH POLICY.

KEEP THE WORD VOLUNTARY IN MIND WHEN YOU SEARCH. SEEK THE VOLUNTARY COOPERATION OF THE PERSON BEING SEARCHED EVERY STEP OF THE WAY. IF FOR ANY REASON THE PERSON BEING SEARCHED OBJECTS, STOP THE SEARCH, IDENTIFY THE PERSON AND REPORT ACCORDING TO YOUR POST INSTRUCTIONS.

SPECIFICALLY, A PERSON MAY CONSENT TO YOUR SEARCHING HIS VEHICLE TRUNK BUT NOT HIS GLOVE COMPARTMENT. A FEMALE MAY CONSENT TO A SEARCH OF HER PURSE BUT NOT CERTAIN ITEMS IN THAT PURSE. A PERSON MAY CONSENT TO A BODY "PAT DOWN" BUT OBJECT TO YOUR REMOVING ANYTHING FROM HIS OR HER CLOTHING, POCKETS, ETC.

A FEMALE EMPTIES HER PURSE HERSELF . SHE HANDLES THE CONTENTS HERSELF. CONDUCT A SEARCH OF PRIVATE PROPERTY (LOCKER CONTENTS FOR EXAMPLE) ONLY WITH THE EMPLOYEES PRESENT. AGAIN, HE OR SHE HANDLES THE PRIVATE PROPERTY.

IN ALL SEARCHES, COMPANY PROPERTY CAN BE SEIZED IF THE PERSON CANNOT PRODUCE AUTHORIZATION TO POSSESS THAT PROPERTY. IN SOME SITUATIONS, NUCLEAR SECURITY FOR EXAMPLE, CERTAIN OTHER ITEMS SUCH AS FIREARMS, EXPLOSIVES, ETC. CAN BE SEIZED, EVEN THOUGH THESE ITEMS ARE NOT COMPANY PROPERTY.

ABOVE ALL, SEARCHES CONDUCTED AS EXPLAINED HERE MEANS THAT CONSTITUTIONAL RIGHTS ARE PRESERVED IF 1) THE EMPLOYEE VOLUNTARILY AGREES TO COMPLY WITH COMPANY POLICY, i.e. NO COERCION IS INVOLVED, 2) THE EMPLOYEE IS NOT SEARCHED BEYOND LIMITS WHERE CONSENT IS GIVEN, OR 3) THE EMPLOYEE RETAINS THE RIGHT TO WITHDRAW PERMISSION TO SEARCH. HENCE ALL THREE REQUIREMENTS FOR A LEGAL SEARCH ARE MET.

THERE ARE, OF COURSE, CASES IN WHICH AN EMPLOYEE'S PERSONAL PROPERTY MAY BE SEARCHED OR REMOVED BY SOMEONE OTHER THAN THE EMPLOYEE. EMERGENCIES, DEATHS, SUDDEN DEPARTURES, AND THE LIKE ARE EXAMPLES. FOLLOW INSTRUCTIONS OF SUPERVISION IN THOSE CASES. IN EMERGENCIES (SMOKE COMING FROM A LOCKER) THERE ARE EXCEPTIONAL CIRCUMSTANCES THAT ALLOW IMMEDIATE SEARCH WITHOUT THE PRESENCE OF THE EMPLOYEE. THE SAME EXCEPTION APPLIES TO A VEHICLE OR ANY OTHER ITEM OF PERSONAL PROPERTY.

IN THE CASE OF A SEARCH AFTER YOU ARREST A PERSON. FOLLOW THE RULES GIVEN. HOWEVER, BE CAUTIOUS. UNLESS YOU ARE SEARCHING FOR VITAL EVIDENCE OR A WEAPON, WAIT FOR THE POLICE TO ARRIVE AND CONDUCT THE SEARCH.

TO CONCLUDE, REMEMBER THE KEY WORD: VOLUNTARY. NEVER 'FORCE SEARCH.' AVOID HANDLING PERSONAL PROPERTY.

REMEMBER ALSO YOUR KIND OF 'SEARCH' IS REALLY OBSERVATION UNLESS EXCEPTIONAL CIRCUMSTANCES EXIST.

FOLLOW THE PRINCIPLES GIVEN AND YOU SHOULD HAVE NO REASON TO FEAR VIOLATION OF A CITIZEN'S RIGHTS AND P.S.I. AND P.S.I.'S CLIENT WILL BE PROTECTED AGAINST LEGAL ACTION BY AN EMPLOYEE FOR UNREASONABLE SEARCH AND SEIZURE.

SEARCH AND SEIZURE

The laws of search and seizure stem from the Fourth Amendment of the U.S. Constitution.

In this section of your training manual we will acquaint you with the provisions of the Fourth Amendment and the interpretations of the meanings of these provisions.

But before we begin, it must be made clear that the laws of search and seizure apply only to actions of law enforcement officers. The laws of search and seizure do not apply to private citizens (private police and private citizens).

However, a problem arises if and when you as a security officer are deputized, are commissioned by a law enforcement agency or are working with a law enforcement person. Under those conditions, the laws of search and seizure may well apply and usually do apply to you.

One further point regarding the "laws" as they apply to you. Search and seizure is always a sensitive matter in security. Legal actions by citizens can be brought against both you and CPP. So, it is well that you have a working understanding of the "laws". Remember, we are all citizens and the constitutional amendments are there for our protection against government abuse. As security officers we should strive to uphold and preserve those amendments.

The Fourth Amendment to the U.S. Constitution guarantees:

"...the right of the people to be secure in their persons, houses, papers and possessions, against unreasonable searches and seizure shall not be violated..."

"...and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized."

Let's analyze the wording of the Fourth Amendment as stated above. We have divided the Amendment into two sections for ease of reference.

Section One

The key word is unreasonable. Searches may be made. A search may be of a person or a place. The law states that the search of a person or place may not be unreasonable. Therefore, searches must be reasonable.

Section Two

This section sets forth the requirements for a search

warrant. However, a warrant need not be obtained before conducting a search. Yet, the law applies to searches with or without a warrant.

Seizure may be of a person (arrest) or material (Contraband, evidence, etc).

Now that we have looked at the law regarding search and seizure, let's look at the meanings as they have been interpreted by the U.S. Supreme Court.

Searches - The U.S. Supreme Court (1947) ruled that only unreasonable searches are prohibited. Further, the U.S. Supreme Court stated that reasonableness cannot be defined in rigid terms. Each case must be decided on its own facts and circumstances.

So, how do we decide when a search is reasonable? The answer is not easy. It is based on certain longstanding definitions, and certain "doctrines", and certain court rulings.

Before going on, a few basic definitions will be helpful in understanding decisions regarding reasonable searches.

Arrest means taking a person into custody in a manner authorized by law.

Search means examination of a person's house, premises, or person for the purpose of obtaining proof of his guilt in relation to some crime or misdemeanor of which he is accused.

Warrant. A search warrant is an order in writing, in the name of the people, signed by a magistrate, directed to a police officer, commanding him to search for personal property, and bring it before the magistrate.

Magistrate. A judge or justice of the peace.

Plain View Doctrine. When police are at a place where they are lawfully entitled to be, they may seize evidence that is in their "plain view". Observations do not amount to a search. There must be no subterfuge by police to be where they are.

Unlawful Search. A search is unlawful when:

1. It is unreasonable - For example,
 - A. Exploratory search or rummaging under pretext of proper search.
 - B. Arrest for drunk driving would not justify search of car trunk to obtain evidence of drunk driving.
2. It is made without authority of law.

3. The search is contrary to the requirements of the U.S. Constitution.

Exclusionary Rule

1. Excludes from court illegally obtained evidence.
2. Adopted by U.S. Supreme Court, 1914.
3. Before 1914, evidence was used in court no matter how obtained - guilt or innocence of accused was only concern.
4. By 1961, 26 states still had no exclusionary rule.
5. In 1961, U. S. Supreme Court ruled that evidence obtained by search and seizure in violation of the Fourth Amendment was not admissible in a State Court, just as it is not admissible in a Federal Court.

The best, most lawful basis for a search is a search warrant. A search warrant may be issued on the basis of a complaint affidavit with probable cause. Warrants (search) are usually good for fourteen days. Once issued, police may break down doors, windows, or any part of the building to execute a warrant if refused entry after announcing their authority and purpose.

Searches without warrant must take place after an arrest. An arrest must not be made as an excuse for a search. These kinds of searches must be for self-defense or preservation of evidence such as fruits of a crime, weapons or instruments used to commit the crime for which arrested. This kind of search is confined to the arrested person and area within the arrestee's immediate control to find weapons, evidence, etc.

A person may waive his rights and submit to a voluntary search. But it must be truly voluntary - no coercion, no promises by police. The rules for a voluntary search are many:

1. Consenting person must have the right of consent. For example:
 - A. Wife may consent to search of home occupied by herself and her husband.
 - B. Father may not give consent to search his 19 year old's personal belongings.
 - C. Landlord may not consent to search of his tenant's apartment.
2. Search may not extend beyond limits where consent is given.

- A. Consent to search purse does not extend to consent to search package.
 - B. Consent to search kitchen does not permit search of bedroom.
3. Consent may be withdrawn at any time. Police must stop search and leave premises.

Search Under Exceptional Circumstances

This type of search is without warrant and without arrest. It is an "emergency" type where there is no time to obtain a warrant and there is danger of evidence being destroyed or removed. Probable cause is necessary, which means that there must be "good reason" to believe that the search is necessary to preserve evidence of a crime. This kind of search frequently applies to automobiles because of their high mobility. But remember, probable cause is necessary.

You have been given the basic information about search and seizure. Again, we wish to stress that the rules apply to law enforcement officers, not to private citizens or to private police. However, it is best that you be aware of the rules - laws - so that you avoid violating a person's constitutional rights, and you must be especially careful to observe the laws if you are commissioned, deputized or working with police officers in a search and seizure situation.

Chiefly, we hope that you have gained some basic understanding of when a search/seizure is reasonable and the conditions that must exist in order to keep the search reasonable.

You are not a police officer, yet you may well find yourself in a search and seizure type of situation in which you are not deputized. We refer to the possibility that you may be called upon to search:

1. Vehicles
2. Purses
3. Private packages
4. Personal lockers
5. Personal tool boxes
6. A person's clothed body

On the six circumstances listed above, how should you proceed without violating a citizen's constitutional rights? We will try to answer that question.

First, note that the laws of search and seizure allow for voluntary search. In any facility to which you are assigned, searches involving the six areas listed (and others not listed) should be matters of client policy. That policy should be cleared through the client's upper management and legal counsel. The employees should be

specifically informed in advance as should visitors and vendors. Only then should searches be conducted. It can be presumed that employees who remain with the company will voluntarily comply with search policy.

Keep the word voluntary in mind when you search. Seek the voluntary cooperation of the person being searched "every step of the way." If for any reason the person being searched objects, stop the search, identify the person and report according to your post instructions.

Specifically, a person may consent to your searching his vehicle trunk but not his glove compartment. A female may consent to a search of her purse but not certain items in that purse. A person may consent to a body "pat down" but object to your removing anything from his or her clothing, pockets, etc.

Always have the person being searched handle his own belongings - you observe. Thus, the person opens his vehicle trunk himself, he moves the contents of the trunk so as to allow inspection himself.

A female empties her purse herself. She handles the contents herself.

Conduct a search of private property (locker contents for example) only with the employees present. Again, he or she handles the private property.

In all searches, company property can be seized if the person cannot produce authorization to possess that property. In some situations, nuclear security for example, certain other items such as firearms, explosives, etc. can be seized, even though these items are not company property.

Above all, searches conducted as explained here means that constitutional rights are preserved if 1) the employee voluntarily agrees to comply with company policy, i.e. no coercion is involved, 2) the employee is not searched beyond limits where consent is given, or 3) the employee retains the right to withdraw permission to search. Hence all three requirements for a legal search are met.

There are, of course, cases in which an employee's personal property may be searched or removed by someone other than the employee. Emergencies, deaths, sudden departures, and the like are examples. Follow instructions of supervision in those cases. In emergencies (smoke coming from a locker) there are exceptional circumstances that allow immediate search without the presence of the employee. The same exception applies to a vehicle or any other item of personal property.

In the case of a search after you arrest a person, follow

the rules given. However, be cautious. Unless you are searching for vital evidence or a weapon, wait for the police to arrive and conduct the search.

To conclude, remember the key word: voluntary. Never "force search." Avoid handling personal property.

Remember also your kind of "search" is really observation unless exceptional circumstances exist.

Follow the principles given and you should have no reason to fear violation of a citizen's rights and CPP and CPP's client will be protected against legal action by an employee for unreasonable search and seizure.



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SECURITY OFFICER

PRIVATE SECURITY IS A SPECIALIZED OCCUPATION NOW IN A PERIOD OF REMARKABLE GROWTH. IN ALMOST EVERY CASE, PERSONNEL WILL BE THE SINGLE MOST EXPENSE ITEM IN A SECURITY PROGRAM. THAT MEANS THAT YOU, THE SECURITY OFFICER MUST BE EFFICIENT AS POSSIBLE TO JUSTIFY YOUR POSITION. TRAINING OF SECURITY OFFICERS IS PROBABLY THE SINGLE MOST EFFECTIVE WAY OF GETTING THIS EFFECTIVENESS. TRAINING TAKES TIME AND THEREFORE MONEY, BUT IT IS TIME WELL SPENT, FOR IF SECURITY OFFICERS ARE NOT AWARE OF THEIR TYPICAL DUTIES THEY CANNOT BE EFFECTIVE.

THE SECURITY OFFICER MUST TAKE THE TIME AND EFFORT TO LEARN, REMEMBER AND PERFORM THESE DUTIES AS WELL AS POSSIBLE IF HE IS TO TRULY BE EFFECTIVE.

PREVENTION vs. ENFORCEMENT

THE PURPOSE OF A SECURITY FORCE IN ANY ORGANIZATION OR PLANT IS PROTECTION OF ASSETS AND TO ENSURE THE SAFETY OF THE EMPLOYEES. IN MOST CASES THE DUTIES AND RESPONSIBILITIES OF A SECURITY OFFICER WILL BE PREVENTIVE RATHER THAN THE ENFORCEMENT AND APPREHENSION TYPE DUTIES OF MOST POLICE OFFICERS. IN FACT, THE SECURITY OFFICER GENERALLY DOES FAR MORE PREVENTION OF THEFT AND PROPERTY DAMAGE THAN THE POLICE OFFICER. THE SECURITY OFFICER IS CONSIDERED MOST EFFECTIVE WHEN THEFTS, DAMAGE, OR INJURY *DO NOT ACCURE*. SECURITY OFFICERS ARE MOST VALUED AS OBSERVERS AND GATHERERS OF FACTS. KEEP IN MIND THAT POLICE OFFICERS HAVE TO ENFORCE ALL LAWS. SECURITY OFFICERS DO NOT; THEY SHOULD BE MOST CONCERNED WITH THOSE LAWS, RULES, REGULATIONS, ETC., THAT APPLY TO THE PEOPLE AND PLACES THEY WERE HIRED TO PROTECT.

THE ROLE OF THE SECURITY OFFICER

THE SECURITY OFFICER IS THE MAIN LINK IN THE CHAIN OF PHYSICAL SECURITY FUNCTIONS, HE OBSERVES, REPORTS AND TAKES ACTION IF BREACHES IN PHYSICAL BARRIERS (LOCKED DOORS, FENCES, HEDGES, ETC.) THE SECURITY OFFICER ENFORCES THE INTEGRITY OF THE PHYSICAL BARRIERS WHICH AID HIM IN PERFORMING THE TASK OF PROTECTING PERSONS AND PROPERTY.

NOTE: SECURITY OFFICER IS: THE HEART OF THE SECURITY SYSTEM.

PROFESSIONAL SECURITY INTER.
4045 S. BROADWAY SUITE 201
ENGLEWOOD, CO. 801

OB2

Employer number

84-0743035

File number

81925

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TYPICAL DUTIES AND RESPONSIBILITIES

EVEN THOUGH DUTIES AND RESPONSIBILITIES VARY FROM ASSIGNMENT TO ASSIGNMENT CERTAIN DUTIES ARE COMMON TO THE MAJORITY OF THE ASSIGNMENTS SECURITY OFFICERS MAY BE GIVEN. MOST OF THESE DUTIES WILL APPLY TO BOTH "POST and PATROL" ASSIGNMENTS. A "POST" IS ALSO CALLED A "FIXED POST", AND MAY INCLUDE SUCH ASSIGNMENTS AS GATES, GUARD STATIONS, BUILDING LIBBIES, EXITS, ENTRANCE, HAZARDOUS OR DANGEROUS LICATIONS, HIGHLY SENSITIVE AREAS, ETC., WHERE VERY LITTLE MOVING ABOUT IS REQUIRED OF THE SECURITY OFFICER. "PATROL" DUTY INVOLVES MOVING ABOUT ON FOOT OR IN A MOTOR VEHICLE (OR IN A VEHICLE IN THE CASE OF A MOTORCYCLE OR BICLCLE) ON A GIVEN ROUTE TO OBSERVE THE CONDITION OF THE AREA OR PROPERTY BEING PROTECTED.

THE FOLLOWING ARE SOME OF THE MORE COMMON DUTIES AND RESPONSIBILITIES OF THE SECURITY OFFICER:

1. GENERAL PROTECTION OF THE PROPERTY TO WHICH HE IS ASSIGNED. THIS INCLUDES BUT IS NOT LIMITED TO THE OCCUPANTS AND CONTENTS OF THE PROPERTY AND THE VISITORS TO THE PROPERTY. THIS IS PROBABLY THE NUMBER ONE RESPONSIBILITY OF A SECURITY OFFICER.
2. PREVENTION OF UNAUTHORIZED ENTRY INTO THE PROPERTY BEING PROTECTED BY PERSONS WHO MIGHT CAUSE LOSS TO THE PROPERTY BY THEFT, FIRE OR VANDALISM, ETC.
3. CONTROL OF THE ACTIVITIES OF PERSONS WHO ARE AUTHORIZED TO BE ON THE PROTECTED PROPERTY. THIS INCLUDES BOTH SAFETY AND SECURITY.
4. ENFORCEMENT OF COMPANY RULES AND REGULATION WHICH APPLY TO THE PROTECTED PROPERTY.

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5. DIRECTION AND CONTROL OF VEHICLE AND PEDESTRAIN TRAFFIC INCLUDING BOTH NORMAL TRAFFIC AND EMERGENCY TRAFFIC ON THE PROTECTED PRIVATE PROPERTY.
6. MAINTENANCE OF PEACE AND ORDER ON POST AND THE REPORTING OF INCIDENTS WHICH DISTURB THIS PEACE AND ORDER.
7. PROVIDING INFORMATION AND ASSISTANCE TO ALL WHO MIGHT REQUIRE IT.
8. FAMILIARIZATION WITH AND ACCOMPLISHMENT OF COMPANY SPECIAL AND GENERAL ORDERS AND POLICIES.
9. CONTROL OF GATES AND OTHER POINTS OF ENTRY AND EXIT TO PROVIDE ACCESS TO THE PROTECTED PROPERTY BY THE PUBLIC POLICE AND FIRE DEPARTMENTS, AMBULANCES, PRIVATE FIRE BRIGADES, MANAGEMENT PERSONNEL AND OTHERS REQUIRING ACCESS IN TIMES OF EMERGENCY.
10. SUPERVISION AND ENFORCEMENT OF PERSONNEL AND VEHICLE IDENTIFICATION AND INSPECTION SYSTEMS.
11. CONTROL AND INSPECTION OF IN-COMING AND OUT-GOING PACKAGES.
12. REPORTING OF SUDDEN ILLNESS OR INJURY INVOLVING EMPLOYEES OR VISITORS ON THE PROTECTED PROPERTY.
13. REPORTING OF INCIDENTS INVOLVING BOTH EMPLOYEES AND NON-EMPLOYEES ENGAGED IN LOITERING, HORSEPLAY, GAMBLING, ETC., WHICH ARE VIOLATIONS OF COMPANY POLICY, REPRESENT A SAFETY HAZARD, OR MAY BE A VIOLATION OF THE LAW.
14. RECEIVING, LOGGING AND TURNING IN OF FOUND AND UNCLAIMED PROPERTY. WHETHER REPORTED AS STOLEN OR NOT. A REPORT MUST BE MADE ON ALL SUCH INCIDENTS.
15. ASSUMING IMMEDIATE SOUNDING OF FIRE ALARMS AND NOTIFICATION OF PROPER FIRE FIGHTING FORCES BEFORE ATTEMPTING TO EXTINGUISH THE FIRE.
16. MONITORING OF SIGNALS FROM PROTECTIVE SYSTEMS.
17. MAKING OF PATROL INSPECTIONS OR ROUNDS OVER ROUTES CHOSEN TO ASSURE OBSERVATION OF ALL THE PROTECTED PROPERTY, USUALLY AT REGULAR OR APPROPRIATE INTERVALS TO DETERMINE THE SAFETY AND SECURITY OF THE PROPERTY.
18. ASSUMING THAT OUTSIDE GATES AND DOORS ARE CLOSED AND LOCKED, AND THE AREA IS SECURE FROM INTRUSION.

19. ASSURING THAT WINDOWS, SKY LIGHTS, VENTS, ETC., ARE CLOSED OR ARE IN THE PROPER CONDITION.

NOTE: AUTOMATIC CLOSING FIRE DOORS MUST NEVER BE BLICKED OPEN. IF SUCH CONDITIONS ARE FOUND THEY MUST BE IMMEDIATELY CORRECTED AND A REPORT MADE TO MANAGEMENT.

20. CHECKING FOR AND REMOVAL OF HAZARDOUS CONDITIONS SUCH AS ACCUMULATIONS OF TRASH, OILY WASTE, RAGS, ETC.

21. TURNING OFF OF MOTORS, MACHINE, HEATERS, LIGHTS, FANS, ETC. WHEN THEIR OPERATION IS NOT AUTHORIZED, SAFE OR JUSTIFIED.

22. CHECKING ON UNUSUAL NOISES WHICH MIGHT INDICATE INTRUSION OR A MALFUNCTION OF EQUIPMENT OR MACHINERY.

23. CHECKING OF ALL GAS AND ELECTRIC HEATERS, STOVES AND OTHER HEATING AND COOKING DEVICES ON THE PROTECTED PROPERTY.

24. DETECTING AND REPORTING OF ANY UNUSUAL ODORS IF THE SOURCE OF SUCH ODORS CANNOT BE FOUND.

AGAIN, REMEMBER THAT NOT ALL THESE DUTIES WILL APPLY TO ALL SECURITY OFFICERS ALL OF THE TIME. REMEMBER ALSO THAT THERE ARE MAY MORE SUCH DUTIES TO WHICH YOU MAY FIND YOURSELF ASSIGNED. WHATEVER YOUR DUTIES, YOU MUST REMEMBER THAT THEY ARE IMPORTANT. IF THEY WERE NOT IMPORTANT YOU WOULD NOT BE NEEDED AND THEREFORE WOULD NOT HAVE THE JOB.

BEING A SECURITY OFFICER MEANS BEING ALERT, BEING OBSERVANT, BEING THOROUGH AND PROBABLY MOST OF ALL BEING AWARE OF YOUR DUTIES AND RESPONSIBILITIES.

WHAT IS AN ARREST ? AN ARREST IS: " THE APPREHENDING OR TAKING INTO CUSTODY OF A PERSON FOR THE PURPOSE OF HOLDING OR DETAINING HIM TO ANSWER ON A CRIMINAL CHARGE". TO GO ONE STEP FURTHER, THERE MUST BE AN ACTUAL RESTRAINING ACTION OF THE PERSON WHO IS ARRESTED OR THE PERSON ARRESTED MUST SUBMIT TO THE CUSTODY OF THE PERSON MAKING ARREST. IN OTHER WORDS, HE MUST KNOW HE HAS BEEN ARRESTED.

WHO CAN ARREST ? AN ARREST MAY BE MADE BY A PEACE OFFICER OR BY A PRIVATE PERSON. AN ARREST MADE BY A PRIVATE PERSON IS OFTEN CALLED A "CITIZENS ARREST".

CAN A SECURITY OFFICER MAKE AN ARREST ? YES_ OBVIOUSLY SECURITY EMPLOYEES ARE EITHER PEACE OFFICERS OR PRIVATE PERSONS. IN MOST CASES, SECURITY OFFICERS ARE NOT PEACE OFFICERS. THERE ARE SOME EXCEPTIONS TO THIS SUCH AS RAIROAD POLICE WHO FOR THE MOST PART ARE SWORN PEACE OFFICERS, AS WELL AS SOME AIR PORT AND GOVERNMENT FACILITY SECUARITY EMPLOYEES WHO ARE REQUIRED TO BE SWORN PEACE OFFICERS. ALSO IN SOME AREAS OF THE COUNTRY, SOME SECURITY EMPLOYEES ARE DEPUTIZED SO AS TO HAVE PEACE OFFICER POWERS.

WHEN CAN A SECURITY OFFICER MAKE AN ARREST ? SINCE 90% OF THE SECURITY PERSONNEL IN THE UNITED STATES ARE NOT PEACE OFFICERS, THEY MAY MAKE ARRESTS UNDER THE FOLLOWING CIRCUMSTANCES:
A SECURITY OFFICER MAY MAKE AN ARREST FOR A PUBLIC OFFENSE (CRIME) COMMITTED OR ATTEMPTED IN HIS PRESENCE. IN OTHER WORDS, HE/SHE MUST ACTUALLY "SEE" THE CRIME COMMITTED OR ATTEMPTED.
NOTE: THAT THIS APPLIES TO BOTH MISDENEANORS AND TO FELINIES.
A SECURITY OFFICER MAY MAKE AN ARREST WHEN THE PERSON ARRESTED HAS COMMITTED A FELONY, EVEN THOUGH THUS FELONY WAS NOT COMMITTED IN THE PRESENCE OF THE SECURITY OFFICER.
A SECURITY OFFICER MAY MAKE AN ARREST WHEN A FELONY HAS IN FACT BEEN COMMITTED AND HE/SHE HAS REASONABLE CAUSE OR REASONABLE GROUNDS TO BELIEVE THAT THE PERSON ARRESTED HAS COMMITTED THIS FELONY.
THESE RULES ARE FAIRLY SIMPLE TO UNDERSTAND, EXCEPT FOR THE LAST ONE. THE PROBLEM HERE IS WHAT IS "REASONABLE CAUSE" OR

"REASONABLE GROUNDS" IS NOT JUST SUSPICION. RATHER IT IS GROUNDS THAT ARE SO STRONG THAT THEY WOULD LEAD ANY ORDINARY NORMAL, REASONABLE PERSON TO BELIEVE THAT THE PERSON ARRESTED DID IN FACT, COMMIT THE FELONY. THE ONE RULE THAT IS ALWAYS SURE IS IF YOU ACTUALLY SEE A CRIME COMMITTED OR SEE A CRIME ATTEMPTED, YOU MAY MAKE AN ARREST.

HOW IS AN ARREST MADE ? _AND WHAT MUST BE DONE WITH THE PERSON YOU ARREST ? MANY TIMES COMPANY POLICY WILL CONTROL WHETHER OR NOT ACTUAL CRIMINAL ACTION IS BROUGHT AGAINST THOSE PERSON YOU CATCH COMMITTING CRIMES. REMEMBER, THE RULES SAY THAT IT MUST BE MADE. SO WITHIN CERTAIN LIMITS, THE COMPANY HAS THE RIGHT TO SET AN ARREST POLICY.

FOR EXAMPLE: MANY EMPLOYEES CAUGHT STEALING THEIR EMPLOYERS PROPERTY ARE JUST FIRED FROM THEIR JOBS RATHER THAN CHARGED WITH THE CRIME. YOU MUST HAVE A CLEAR UNDERSTANDING OF THE POLICY OF THE COMPANY FOR WHICH YOU WORK, OR TO WHICH YOU ARE ASSIGNED.

IF YOU DO NOT KNOW THIS POLICY, ASK ! ! !

WHEN YOU DO MAKE AN ARREST, HOWEVER, YOU MUST FOLLOW CERTAIN RULES:

- a. *THE PERSON ARRESTED MUST KNOW HE IS BEING ARRESTED. THERE MUST BE SOME ACTUAL RESTRAINT (ALL YOU HAVE TO DO IN MOST CASES IS PUT YOUR HAND ON HIS SHOULDER). OR HE MUST SUBMIT TO YOUR CUSTODY.*
- b. *YOU MUST TELL THE PERSON BEING ARRESTED WHY YOU ARE ARRESTING HIM, UNLESS HE IS ACTUALLY COMMITTING THE CRIME AT THE TIME YOU ARREST HIM.*
- c. *YOU MUST TELL THE PERSON BEING ARRESTED THAT YOU INTEND TO ARREST HIM.*

d. AFTER YOU MAKE THE ARREST YOU MUST, WITHOUT ANY UNNECESSARY DELAY EITHER DELIVER THE PERSON TO A PEACE OFFICER, OR TAKE HIM BEFORE A "MAGISTRATE".

AS A MATTER OF ACTUAL PRACTICE, HERE IS WHAT SHOULD AND WILL USUALLY HAPPEN:

- * YOU TAKE A PERSON INTO CUSTODY FOR A CRIME.
- * YOU TAKE HIM TO YOUR OFFICE, DUTY POST, SUPERVISOR'S STATION, OR WHATEVER LOCATION COMPANY POLICY HAS SET.
- * YOU EXPLAIN THE CIRCUMSTANCES TO YOUR SUPERVISOR OR EMPLOYER IF THIS IS REQUIRED BY COMPANY POLICY.
- * YOU NOTIFY THE LOCAL LAW ENFORCEMENT AGENCY THAT YOU HAVE MADE AN ARREST, HAVE A PERSON IN CUSTODY AND REQUEST THAT THEY SEND AN OFFICER (DEPUTY, TROOPER, ETC.) YOU SHOULD TELL THEM YOUR EXACT LOCATION AND THE GENERAL TYPE OF CRIME FOR WHICH YOU MADE THE ARREST.
- * WHEN THE LOCAL POLICE ARRIVE EXPLAIN THE CIRCUMSTANCES TO THEM AND INFORM THEM THAT YOU WISH TO MAKE AN ARREST. THE OFFICER WILL ANALYZE THE FACTS, HE MUST TAKE YOUR PRISONER INTO CUSTODY. (THE LAW COMMANDS HIM TO DO SO).
- * GENERALLY, THE POLICE OFFICERS WILL HAVE YOU GO THROUGH THE "CITIZENS ARREST" PROCEDURE IN HIS CUSTODY. THIS PROCEDURE CONSIST OF JUST PLACING YOUR HAND ON THE SHOULDER OF THE PERSON ARRESTED AND SAYING "I ARREST YOU FOR: (STATE THE NAME OF THE CRIME). OR HE MAY ONLY HAVE YOU SAY THE WORDS. THE POLICE WILL THEN TAKE CUSTODY OF AND RESPONSIBILITY FOR THE PRISONER.
- * YOU SHOULD THEN PREPARE YOUR REPORT ON THE INCIDENT. QUITE OFTEN THE POLICE AGENCY WILL ASK FOR A COPY OF YOUR REPORT FOR THEIR FILES

HOW MUCH FORCE CAN BE USED IN MAKING AN ARREST ?

A SECURITY OFFICER MAY USE ONLY THAT RESTRAINT OR FORCE WHICH IS NECESSARY AND REASONABLE TO DETOUR AND ARREST THE PERSON WHO IS BEING ARRESTED, AND NO MORE.

OF COURSE, YOU DO HAVE THE RIGHT TO DEFEND YOURSELF AGAINST ATTACK. YOU ALSO HAVE THE RIGHT TO TAKE FROM THE PERSON YOU ARREST ANY OFFENSIVE WEAPON HE MAY HAVE, BUT YOU MUST DELIVER THESE WEAPONS EITHER TO THE OFFICER WHO TAKES YOUR PRISONER OR TO THE MAGISTRATE. YOU ALSO HAVE THE RIGHT TO ORALLY CALL UPON AS MANY PERSONS AS YOU CONSIDER NECESSARY TO AID YOU IN MAKING AN ARREST.

WHEN MUST A SECURITY OFFICER AID IN MAKING AN ARREST ?

THERE ARE CIRCUMSTANCES WHEN A SECURITY OFFICER MUST AID A PEACE OFFICER IN MAKING AN ARREST. THIS IS GENERALLY CALLED A "POSSE CONITATUS" LAW. GENERALLY SPEAKING, A PEACE OFFICER HAS THE RIGHT TO CALL UPON ANY ADULT PERSON TO ASSIST HIM IN MAKING AN ARREST. TO REFUSE TO AID HIM IS A CRIME.

UNDER ENGLISH CONSUMER LAW, EVERY PERSON ABOVE THE AGE OF 15 IS SUBJECT TO SUCH A CALL. HOWEVER, MANY STATE LAWS HAVE LIMITED THIS TO EVERY MALE PERSON ABOVE 18 YEARS OF AGE

ONE MORE MUST:

THERE IS ONE MORE MUST AREA YOU MUST HAVE ACCESS TO AND A KNOWLEDGE OF THE CRIMINAL OR PENAL CODES IN YOUR AREA. YOU MUST KNOW WHAT LAWS YOUR EMPLOYER EXPECTS YOU TO ENFORCE. YOU MUST HAVE ACCESS TO THE SPECIFIC LAWS IN YOUR STATE THAT COVERS YOUR RIGHTS OR POWER TO MAKE ARRESTS. ASK YOUR EMPLOYER TO PROVIDE YOU WITH COPIES OF THESE LAWS.