



**What considerations do police officers have to make when responding to a call? What is considered a crime? What is a police officer's first priority? How do they deal with assault cases?**

**An action or series of actions must meet certain elements to be considered a crime.** “Elements of a crime” are essentially lists of specific actions that must have taken place for an incident to be regarded as a particular crime. If the elements of a certain crime are met – that is, if the suspect did all of the things listed – then what they did constitutes that particular crime having taken place. If they aren’t met, then what happened is by definition not a crime (or at least not that particular crime). Different crimes have different elements, all of which can be found in state statutes and municipal ordinances, which should be freely available to you either online or from officials in your jurisdiction.

It’s important to understand that law enforcement officers do not operate based on whether you were offended by an act – they operate based on these elements. What does that mean for you? It means that officers cannot “just take someone to jail,” or anywhere else, for no objective reason. You may find yourself inconvenienced by someone, but

that does not give officers clearance to deprive them of their liberty, which is what is happening when a police officer takes someone into custody. Personal liberty, the ability to move about without having your person encumbered, is a founding principle of our country and must be honoured until someone relinquishes such right by committing a clearly defined crime. We'll touch on this later.

**Law enforcement officers' first priority is safety, not diplomacy.** Officers' first job upon arriving at a scene is what we refer to as "rendering the scene secure" – that is, ensuring that the variables are taken out of a chaotic situation, that everything is brought under control as much as is possible. Nothing else will happen until this takes place, and it will not typically be sought with genteel requests if it is not gained quickly. When officers arrive, they are in charge of the scene from a legal standpoint, and could be held liable if something happens while they are there. That's not to say officers have license to be abusive, but people often perceive officers as such when they're honestly only trying to be firm, clear and direct.

Say officers arrive on scene at a fight, but do not establish scene control, which results in someone getting seriously injured after an unrestrained participant starts a new assault; those officers are likely to be held liable, both administratively and possibly civilly by the victim. Scene control requires that officers dictate orders on scene by telling people where to go, telling them to be quiet, putting people in handcuffs, and any number of other things. This response seldom wins friends and is likely to be perceived as "impatient," "heavy-handedness," or "militaristic." This is expected – nobody relishes being

told what to do, especially in a short manner – but that doesn't negate its necessity.

**Officers enter situations with little to no information about you.** Please be patient with officers as to their regard for you, especially in the midst of an active incident. You know you're you, but officers don't instinctively know citizen from suspect if a scene is dynamic. You may be ordered to move or stay; you may be pointedly questioned; you may even be placed in handcuffs (as a side note, being in handcuffs does not necessarily mean you are under arrest unless you are explicitly told that you are – please don't panic). Please stay calm and comply with officers' direction; if you are not involved, that will be ascertained as quickly as possible and officers will respond appropriately. In the meantime, they cannot automatically give anyone the benefit of the doubt.

**Officers don't always advertise enforcement actions.** Don't assume nothing was done about a situation just because you didn't see something obvious being done. Officers may or may not be precluded by department policy from disclosing enforcement actions taken against someone to a third party, so you may not be notified of an arrest or issued citation if you are the one making a complaint. On a related note, officers will often issue a citation (a notice to appear in court) in lieu of taking someone to jail. There are a number of reasons for this, preeminent among which are jail overcrowding, release policies, and the fact that booking someone into jail is a very time-consuming process. Thus, if you call the police expecting someone to go to jail who doesn't, don't assume the matter was swept under the rug. For many misdemeanour offenses, jails may have a "book and release" policy, meaning they'd be documented and

photographed before being immediately released. Unless officers think a suspect won't honour their court date for some reason, in these instances taking them to jail is often a waste of time

**You cannot reason with unreasonable people, meaning officers must occasionally use force.** You may not be used to violence in your everyday life – good. You may have a mindset that discussion is the best way to solve problems – and I'm sure that in your context, that's absolutely true. However, police officers deal with those who don't abide by your norms and morals. Those people are not always interested in being reasoned with, and have their own agendas in life which often are at odds with others' safety and well-being. In those cases, police officers must sometimes use force to bring those people under control and in custody. Our society has upheld this need time and time again, as reflected in dozens of court cases over the years

Police officers can typically use controlling force one increment above that used by a suspect. Each department will have its own set of protocols in this regard. If you so desire, someone at your local station should be available to discuss their policy with you. These policies are necessary because, in its absence, both officers and suspects would be exposed to more injury risk in the midst of protracted physical fights. What does that mean for you? In a situation in which a suspect is resisting officers, they may use a tool in response (Taser, pepper spray, baton) that could seem to an untrained bystander to be inordinately aggressive. Officers interested in bringing a suspect under control, however, don't pretend to honour a sense of 'fairness' in a physical altercation. If a suspect threw a punch (termed "active aggression"), I had

clearance to engage them with a baton. If a suspect advanced at me with a knife, I likely (depending on the circumstances) would have been justified in shooting them. That's not "fair" in the sense of there being parity, but that isn't the objective. Just because there are more officers than suspects or an officer is using a tool against an "unarmed" suspect does not necessarily mean 'excessive force' is being used; excessive force is defined as force above and beyond that which is necessary to bring a suspect under control and into custody. Thus, if a suspect is still resisting, the application of continued or escalated controlling force is likely legal, sanctioned, and appropriate (though, again, I am well aware that there are instances of officers acting in ways which are illegal, unsanctioned and inappropriate – in which cases there should be action taken against them).

**Police officers have the authority to restrict access to certain areas in certain situations.** If officers have an area cordoned off – whether by barricading a building, blocking a street, or taping off an outdoor area, you *cannot* enter absent exigent circumstances. Your residence or vehicle being within this area does not constitute an exception to this. Believe me, officers do not do this for no reason – this means something significant has occurred, whether a crime or a threat to public safety. You'd think this would likely be common sense, but most every time we barricaded an area we were approached by people wanting to "just sneak through," sometimes when officers down the street were crouching behind cars with their firearms unholstered (I kid you not). If the area is an established crime scene, there should be an officer assigned to log personnel in and out of it (yes, even police officers have to have clearance to enter such a scene); if

you have a compelling need to enter, he or she should be able to answer your questions.

**If you're the victim of a crime, you typically have a say in whether the suspect is prosecuted.** You may be asked at some point whether you want to “press charges,” “sign a citation/summons,” or “prosecute.” All of these mean the same thing – are you willing to have charges brought reference this case, which may require you to cooperate with the prosecutor's office (conferences, showing up for hearings or trial, and so on)? Even if all the elements of a crime are met, for there to be any enforcement action taken there must be a victim in most cases. If someone punches you in the mouth but you, for whatever reason, decline to sign a citation to press charges against them, that’s the end of it. The two exceptions that come to mind are sexual assault and domestic violence; sometimes the state can present a case in the absence of a willing victim on their behalf given the nature of these crimes. Otherwise, as an adult, the ball's in your court.

**Police reports are not magical; they are merely the initial documentation of an incident.** If someone “files a police report against you” without your having been arrested, nothing is likely to happen in the immediate term. The report may be sent to an investigator for follow-up, in which case you’re likely to be contacted for a statement, or if there is substantial evidence against you it may be presented to a prosecutor, who will decide whether to file charges. On the other hand, if an officer takes a report on a situation, it doesn't necessarily mean that anyone will be arrested or that any charges will be brought. Reports could be classed four different ways:

- **Open:** Case is not yet solved and requires review by investigators.

- **Cleared:** Enforcement action (arrest/citation) complete, no further investigation needed
- **Suspended:** Crime occurred or likely occurred, but lack of evidence at present prevents investigation from proceeding)
- **Unfounded:** No evidence a crime occurred or that the event in question actually took place.