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PATROL TACTICS

CHAPTER 14

UTAH STATE BOARD OF EDUCATION
CAREER AND TECHNICAL EDUCATION

CHAPTER FOURTEEN: PATROL TACTICS

THE GOALS OF PATROLLING

Police on patrol pursue three goals. The first is prevention—the use of patrol patterns, officer observations, and citizen help to stop crime before it occurs. The second is deterrence, which involves using patrol patterns and techniques in a highly visible manner in order to suggest to the criminal element that criminal activity would not be profitable. The third goal, apprehension, refers to an attempt to catch criminals before, during, or immediately after the commission of a law violation.

Each law enforcement agency places differing degrees of emphasis on these goals, as reflected in its basic patrol tactics or style. The *service style* of patrol focuses interest on community relations and citizen awareness programs. Many non-crime-related services are provided by the police, such as ambulances, animal control, school crossing guards, etc. The *watchman style* uses foot patrols, marked cars, and saturation techniques to create an impression of a large, invincible police force. This style is aimed primarily at deterrence. The *legalistic style* of patrol is geared toward the apprehension of criminals. It is characterized by the extensive use of intelligence collection, tactical squads, and unmarked surveillance units. The style that a police agency utilizes is largely determined by the wishes of the community it serves and the preference of key political figures, including the agency head.

A classic study of patrol tactics took place in Kansas City in 1975. A large area of the city was broken down into 15 matched patrol districts. Five of the districts were not patrolled by marked cars; patrol cars only responded in the area when required for emergencies and report taking. The second group of five districts had the regular patrol assignment of one marked car per district. The five remaining districts were assigned four or five marked patrol cars rather than the normal one car assigned to a district. At the end of one year, there was no significant difference between the areas so far as crime rates were concerned. On the basis of this study, one writer suggested that “Perhaps patrolmen, instead of constantly driving around in their cars [when not answering dispatched calls], should spend most of their time gathering intelligence, talking to people, advising businesses how to prevent crimes before they occur, and investigating.”

Such suggestions may serve as a starting place; however, several other factors should also be considered. A patrol officer may be proactive or reactive. A reactive officer reacts to what occurs by answering calls; a proactive officer prepares for, intervenes in, and controls his/her area by learning as much as possible about the day-to-day activities that occur there.

Law enforcement officers should be able to respond in less than three minutes to any emergency. FBI studies indicate that the longer it takes for an officer to arrive at the scene of a serious crime, the less chance there is of solving the crime; two-thirds of crimes would be solved if an officer arrived at the crime scene in less than two minutes. If it takes more than five minutes to arrive, only one out of five crimes will be solved. Even though the nature of patrol tactics is largely determined by the law enforcement agency, the individual officer can be more effective by developing certain patrol tactics.

The material that follows will suggest some things that a proactive peace officer should be doing when he/she is not responding to calls.

1. Be mentally prepared. Focus on suspicious occurrences. Leave family problems at home.
2. Have the proper equipment for various weather conditions and for the types of assignments to be fulfilled during the shift.
3. Check to verify that the patrol unit's emergency equipment is operational. Search for hidden evidence and weapons at the start of each shift and after having a prisoner in your car.
4. Learn your patrol area, including traffic patterns; the safest roads to use in emergencies; and the locations of parks, schools, canals, troublesome addresses, and other potentially dangerous areas.
5. Learn about the people—who lives and works in the area, hangouts for various groups, the cultural backgrounds of the residents, criminally active individuals, etc.
6. Make contacts among residents, school administrators, employers and employees, and other possible informants.
7. Look for anything suspicious, especially what your law enforcement experience leads to you perceive doesn't fit or is out of place.
8. Record suspicious activity using field cards or notes.

Suspicious means that a thing appears to be unusual or out of place. As an officer learns more about his/her assigned area, his/her observations will result in certain circumstances being perceived as suspicious. A good officer should not be embarrassed or afraid to inquire into situations that appear suspicious. This is part of the job that the community has entrusted to him/her.

The following list suggests some situations that a proactive patrol officer might consider suspicious. Add other examples of activities that you, as a patrol officer, would find suspicious and investigate further.

Cars (e.g., backed up to a building in the middle of the night):

1) _____

2) _____

3) _____

4) _____

Buildings (e.g., lights on late at night):

1) _____

2) _____

3) _____

4) _____

People (e.g., welfare recipient driving an expensive car):

1) _____

2) _____

3) _____

4) _____

One study indicates that police on patrol spend their time in the following ways:

Law enforcement	10.3%
Administrative duties	22.1%
Service provisions	37.5%
Order maintenance	<u>30.1%</u>
	100.0%

FIELD INTERVIEWS

Field interviews are used to inquire into the identity and activities of suspicious individuals. Field interviews can be used to determine whether the individual is wanted, discourage criminal activity by making a suspicious person's identity known, and establish who was in the area when a crime occurred. Most agencies utilize some form of field card, which is filled out when conducting a field interview (see the example below). Field cards document an interviewee's personal information, as well as information on the associates and vehicles of the individual interviewed. When filled out properly, field cards can be quite useful.

DOMESTIC DISTURBANCES

Domestic disturbance calls are very unpopular among officers. Although police are often called to the residence by a family member, seldom do the victims wish to file criminal charges or testify against a spouse or other family members, and it is not unheard of for participants to turn on the officers whose presence they requested. Each year, officers are killed or injured responding to this type of call.

Utah, like many other states, has attempted to deal with a growing awareness of spouse abuse by providing legal mechanisms for resolving domestic violence situations. Protective court orders can now be issued that authorize officers to arrest, if necessary, a cohabitant found to be in violation of the order.

Domestic violence refers to any criminal offense involving violence or physical harm, or the threat of violence or physical harm, or any attempt, conspiracy, or solicitation to commit a criminal offense involving violence or physical harm, when committed by one cohabitant against another. Domestic violence is also defined as the commission of or attempt to commit any of the following offenses by one cohabitant against another:

- aggravated assault
- assault
- criminal homicide
- harassment
- telephone harassment
- kidnapping, child kidnapping, or aggravated kidnapping
- mayhem
- sexual offenses
- stalking
- unlawful detention
- violation of protective order or *ex parte* protective order
- any offense against property
- possession of a deadly weapon with intent to assault
- discharge of a firearm from a vehicle, near a highway, or in the direction of any person, building, or vehicle (77-36-1, UCA).

In domestic violence cases, most peace officer discretion has been removed due to the domestic violence statute. Utah law states:

A law enforcement officer who responds to an allegation of domestic violence shall use all reasonable means to protect the victim and prevent further violence, including:

- (a) taking the action that, in the officer's discretion, is reasonably necessary to provide for the safety of the victim and any family of household member;
- (b) confiscating the weapon or weapons involved in the alleged domestic violence;
- (c) making arrangements for the victim and any child to obtain emergency housing or shelter;
- (d) providing protection for the victim while he or she removes essential personal effects;
- (e) arrange, facilitate, or provide for the victim and any child to obtain medical treatment; and

(f) arrange, facilitate, or provide the victim with immediate and adequate notice of the rights of victims and of the remedies and services available to victims of domestic violence, in accordance with Subsection (2) (77-36-2.1, UCA).

In 1998, the Utah Legislature passed the following law regarding children present during a domestic violence situation:

Commission of domestic violence in the presence of a child (76-5-109.1, UCA).

(1) As used in this section:

(a) Domestic violence means the same as that term is defined in Section 77-36-1.

(b) In the presence of child means:

(i) in the physical presence of a child; or

(ii) having knowledge that a child is present and may see or hear an act of domestic violence.

(2) A person is guilty of child abuse if he:

(a) commits or attempts to commit criminal homicide, as defined in Section 76-5-201, against a cohabitant in the presence of a child; or

(b) intentionally causes serious bodily injury to a cohabitant or uses a dangerous weapon, as defined in Section 76-1-601, or other means likely to produce death or serious bodily injury against a cohabitant, in the presence of a child; or

(c) under the circumstances not amounting to a violation of Subsection (2)(a) or (b), commits an act of domestic violence in the presence of a child after having committed:

(i) a violation of Subsection (2)(a) or (b) on one or more prior occasions; or

(ii) an act of domestic violence in the presence of a child, not amounting to a violation of Subsection (2)(a) or (b), on one or more prior occasions.

(3) (a) A person who violates Subsection (2)(a) or (b) is guilty of a third degree felony.

(b) A person who violates Subsection (2)(c) is guilty of a class A misdemeanor.

DOMESTIC VIOLENCE NO-CONTACT AGREEMENT

I, _____, the arrestee, agree to the following conditions if I am released from jail by bail or own recognizance:

1. I will have no contact with _____, the alleged victim by any means including telephone, written, or third party.
2. I agree not to threaten or harass the above named victim .
3. I will not knowingly enter the premises of the above named victim at:

4. I will not knowingly enter any premise occupied by the victim.

This agreement is effective until modified by the Court or the close of the next Court day. I acknowledge that by violating any of the terms of this agreement I will be subject to prosecution on further misdemeanor or felony charges.

DATE: _____

ARRESTEE'S SIGNATURE: _____

SCREENER: _____

WHITE - (Booking Sgt.)

CANARY -(Screeener)

PINK - (Court)

GOLD - (Arrestee)

The following are general procedures for handling a domestic disturbance:

1. Secure backup. Never handle a domestic disturbance call alone.
2. Check area to ensure your safety.
3. Stabilize the situation by stopping property destruction, assaults, abusive language, etc.
4. Determine which officer will take the lead.
5. Introduce yourself.
6. Indicate that you are there because you were called. This will help the participants realize that this is not an arbitrary intrusion into their residence.
7. Determine whether any medical help is needed.
8. Separate the participants and question them individually.
9. Make a determination about whether domestic violence is involved.
10. Gather information, showing empathy for the feelings of those involved.
11. Determine whether there are any children involved or present.
12. Offer the services of available social agencies; if possible, establish such contact while still at the scene:
 - Division of Child and Family Services
 - Local mental health center
 - Local clergy
 - Marriage counselors
 - Alcoholics Anonymous and similar self-help programs

Make an arrest, if necessary, or arrive at a temporary solution within agency guidelines. This could involve one party agreeing to leave for the night, or a member of the clergy or a relative staying in the house for a specified period of time. If domestic violence is involved, inform the victim of how to obtain a protective order, and provide information on other resources available. If the suspect is present, arrest him/her and book him/her into jail. Explain to the victim that the suspect can have no contact until a full court work day has been completed, which would be 5:00 p.m. of the next work day (Monday thru Friday), excluding holidays.

If the suspect is arrested and booked into jail on a domestic violence charge, he/she cannot be released from jail unless a Domestic Violence No-Contact Agreement (see example on the previous page) is signed through Pre-Trial Services.

Make a record of the nature of the problem, a tendency toward violence by either party, alcohol or drug involvement, access to any weapons, and other relevant information for future reference. If future problems are possible, have the Dispatch office flag the address and note the possible hazards that may occur if officers have to respond in the future. Information should also be provided to the victim that reviews the various stages of domestic violence and whatever resources may be available.

CIVIL PROBLEMS

One of the most difficult aspects of the job of a peace officer is the necessity of responding to matters that are in essence civil in nature rather than criminal in nature. Law enforcement officers are constantly being called to the scenes of disputes between parties asserting rights to some type of property, who then request that the officer settle the matter.

The responsibility of the peace officer called to a civil problem is to keep the peace. The officer should not volunteer information regarding the situation. As long as no criminal law has been violated,

the officer should point both parties in the direction of attorneys and civil courts, including small claims court.

The following types of civil matters will provide information on specific situations that may be encountered by an officer during the normal conduct of his/her duties:

REPOSSESSION

Conditional Sales Contracts and the Rights of Secured Parties

When a person buys property on a time agreement, he/she usually signs a conditional sales contract. This contract contains the conditions of the sale to which both the seller and the buyer agree. In most cases, the said conditions indicate that title of ownership rests with the seller until the final payment is made. The buyer may be in possession of the merchandise, but he/she does not own it until it is fully paid for.

Similarly, a person who obtains a loan for a particular piece of property may be required to pledge that property as security for the payment of the loan. In such instance, the person buying is in physical possession, but the lender retains title to the property.

Such agreements provide that the seller may recover the property if the buyer becomes delinquent in payments. This is the part of the civil contract that generates a law enforcement response.

When Payments Become Delinquent

When a buyer becomes delinquent in his/her payments, the seller or security holder may attempt to recover the property by repossession. There are some limitations placed on what the reposessor is allowed to do in an attempt to repossess, but the right of the seller or lien holder to repossess is generally accepted. There are essentially three categories of individuals who have the right of repossession:

- The seller or his/her agent.
- The seller's successor in interest. This is a person who may buy the contract from the seller and thus becomes the lien holder or new owner of the property.
- A licensed collection agency acting on behalf of the seller.

The Repossessor's Rights

It is generally accepted that the repossession must be made in a peaceful manner and that the reposessor must not commit an assault or cause a disturbance. However, an authorized reposessor may recover property anywhere he/she can find it, provided that he/she does not break and enter any enclosure to effect the repossession. He/she does not need the permission of the buyer, because the buyer is not the legal owner of the property. The reposessor may enter the private property of the buyer for this purpose. However, the reposessor cannot enter a house to recover property without the permission of the occupant, and he/she cannot break into a locked garage to repossess a car without a court order.

The Buyer's Rights

The general rule is that the property in possession of the buyer cannot be physically taken from him/her against his/her expressed objections. If the reposessor can repossess the property peacefully, he/she may do so. However, if the buyer objects, it is the duty of the seller or reposessor to resort to legal process to enforce his/her rights of repossession. The reposessor can be found guilty of assault or disturbing the peace if he/she uses force or creates a disturbance.

The right of the buyer to object may be transferred to any third party in possession. For instance, if the buyer has loaned his/her car to another or has otherwise transferred the buyer's rights to another person who possesses the property with the buyer's consent, the property cannot be repossessed if the third person protests. However, the fact that the property has been transferred to a third person does not affect the reposessor's right to repossess the property if he/she can do so peacefully.

Settling Disputes

When responding to a civil problem involving a property repossession, the officer should keep the following in mind:

- The officer should first inquire about the reposessor's right to take the property, satisfying himself/herself that the reposessor is not a thief. This can be done by examining the contract, a company identification card, and/or a description of the property, along with the authorization of the seller to repossess it.
- The officer should inquire of the buyer whether he/she objects to the repossession. If the buyer does object, then the reposessor should be advised that he/she should pursue legal remedies for the obtaining of a civil court order for repossession.
- This is all the legal advice that an officer should give. He/she should not take sides with either party or attempt to assist the buyer in resisting the efforts of the reposessor to take the property. The officer's responsibility is strictly to keep the peace, and if the parties refuse to heed his/her advice, they should be advised that they may be committing a breach of the peace for which one or both may be arrested.
- If a breach of the peace has already occurred, it will be necessary for the officer to determine the reciprocal rights of the parties so that an arrest may be made by the officer if appropriate. The buyer may also have the right to make a citizen's arrest. The officer should provide the buyer with the advice that if he/she feels that he/she has been wronged, he/she may pursue a remedy in court.

LANDLORD/TENANT DISPUTE

The Tenancy Agreement

Many tenancy agreements are oral and may contain no conditions other than pay periods and cleaning deposits. There are, however, a considerable number of instances where the legal rights of the landlord and tenant are specified in writing, and the duties and responsibilities of the parties are governed by this document. Also, the rights of the landlord and tenant with regard to evictions are statutory in nature and are contained in Title 78, Chapter 36 of the Utah Code.

Eviction

When a person in possession of property pursuant to a rental agreement breaches one of the terms or conditions of the agreement, such as non-payment of rent, staying on the property after the expiration of the rental agreement, or damaging the premises, he/she may be evicted. Eviction is not a summary procedure; it can only be done after certain required notices have been posted and, if necessary, legal proceedings completed to remove the parties from the premises. Without such prerequisites, the landlord has no right to physically evict or lock out the tenant.

A tenant can be in unlawful possession of the property in one of four ways:

1. The tenant continues in possession after the expiration of an agreed term.
2. The landlord has given 15-day notice prior to the expiration of the rental term and the tenant continues in possession.
3. The tenant is in default of the rental payments and, after a notice in writing is served upon him/her, continues in possession.
4. The tenant violates the contract for the premises, either by subletting or damaging it or by the conduct of unlawful business, and remains in possession after service upon him/her of a three-day notice.

As can be seen, the notice requirement is essential in order to commence the eviction process. A landlord can give notice to leave for any reason as long as the notice is served 15 days prior to the expiration of the rental term. That is, if the rent is payable on the first of the month, notice must be served before the fifteenth of the month preceding the date the rent is due. If the eviction is for non-payment of rent or other reasons as specified, the eviction is commenced by the filing of a three-day notice to pay the rent, cease the offensive conduct, or leave the premises.

Once the time specified in either notice is up and the tenant remains in possession, the landlord may not, by his/her own means, enter, remove the tenant, or lock him/her out, but must commence a proceeding in court culminating in a formal eviction by the sheriff.

In order for a person to be physically evicted from a premise, the county sheriff must be in possession of the necessary civil court order issued by the appropriate court. The required document is called a *writ of restitution*.

Advising the Parties

With the above matters in mind, a peace officer other than the sheriff who is in possession of a lawful court order should never assist a landlord in evicting a tenant. He/she should avoid taking sides in the dispute, simply referring the parties to their respective lawyers and being present solely for the purpose of preventing a breach of the peace.

Seizure of the Tenant's Property by the Landlord

A peace officer should never assist the landlord in the physical seizure of a tenant's property. The landlord has no right to do this unless he has complied with the statutory procedures for the obtaining of a landlord's lien. When confronted with such a problem, an officer should advise the landlord that he/she should contact an attorney and commence the appropriate legal action to attach the personal property and/or evict the tenant.

The landlord should be firmly advised that he/she should take no overt action that may result in a breach of the peace, and that if he/she does so, he/she may be subject to arrest in actions both civil and criminal by the tenant. The tenant, if present, should also be advised that he/she has a reciprocal duty to pay the rent that is due and owing and to cause no harm or waste to the premises, and that he/she should take no overt action that may result in a breach of the peace.

DOMESTIC DISPUTES

The Rights of the Parties Pursuant to a Decree of Divorce

Divorce proceedings are civil in nature. The divorce decree sets forth the rights, duties, and obligations of each party to the divorce, and provides the obligation of support to the non-custodial parent as well as visitation rights, if any. These rights, however, cannot be enforced without an appropriate order of the court, which is a separate proceeding and document from the decree of divorce itself.

When either party to a divorce breaches one of the terms in the decree, the offended party must apply through his/her attorney to the court for an order to show cause. This document is then served upon the offending party, requiring him to appear before the court to show cause why he/she should not be held in contempt of court for disobedience of the court decree. This is the only method by which the rights and obligations of the parties to a divorce decree can be enforced. There is no procedure that allows a peace officer to intervene by order of the court in such a dispute.

Restraining Orders

A restraining order can only be sought if a civil action is pending in court, and is a common action in many divorce actions. It is a court order restraining one of the parties from either possession of property or personal contact with the other party or parties in the case. This order is enforceable only by an order to show cause and subsequent determination by the court as to the punishment for the person who disobeys the court order.

If, after being served with an order to show cause, the party fails to appear before the court on the ordered day, the judge may issue a bench warrant that allows any peace officer to arrest the individual and bring him before the court. Ordinarily, civil bench warrants, unless the court indicates on the warrant itself when executed, should not result in the booking of the arrested party. Rather, he/she should be brought before the judge, or another judge of that court if the ordering judge is not available.

Child Custody

The decree of divorce will also contain a custody provision. One of the parties will be given legal and physical custody of the children, subject to visitation rights of the other party. An officer should interfere only rarely in such matters. These frequently arise when one party has kidnapped the children or refuses to return the children as provided in the decree. In such a case, the problem may become criminal in nature. An investigation must determine why the children are being withheld for the custodial parent. If there is good reason for the safety or welfare of the children, than it may be advisable to take the children into protective custody and have a judge decide the matter. If there is no good reason, or the children have been taken to another state, Custodial Interference (76-5-303, UCA) can be charged.

If there is a problem with the custodial parent giving visitation to the non-custodial parent, then the non-custodial parent should be directed to the court. A *writ of habeas corpus* can be obtained from the court, and the sheriff can enforce the custody rights. This order will give the sheriff the right to enforce the custody decree by removing the child or children from the offending party. The minimum schedules for visitation for children five to 18 years of age and under five years of age is delineated in 30-3-35 and 30-3-35.5 (UCA). The peace officer can refer to this code if other sources are not available. Most divorce decrees will refer to this code or be modeled on it. A copy of the code may also be included within the decree.

Advising the Parties

As with all civil disputes, the parties should be advised that the officer has no authority to enforce the orders pursuant to a decree of divorce, restraining order, orders to show cause, etc.

There are rare occasions on which peace officers may be given authority to enforce certain property rights, but only when in possession of a court order called a *writ of assistance*. The officer should simply advise the parties that this is not a police problem and that their individual attorneys should be contacted to have the matter determined by the court, and should then stand by to prevent a breach of the peace as appropriate.

MISCELLANEOUS CIVIL PROBLEMS

The Sheriff's Duties

In most instances where a peace officer is allowed to take official action with respect to property rights, these rights are clearly set forth by statute. These instances are, by and large, related to the duties of the sheriff as specified in the Utah Code Annotated. Because these duties are very specialized, they will not be dealt with in any detail. Basically, they include the service of various civil papers and the enforcement of civil judgments by attachment, garnishment, replevin, execution, etc. Even when in possession of orders dealing with the rights of the parties, the sheriff may not forcibly enter the premises of another without the court's specific permission (i.e., a writ of assistance). This is not a statutory provision in Utah, but is common practice by most of the courts in this area. Evictions, as previously discussed, are the duty of the sheriff and are accomplished by means of a writ of restitution.

Private Parking Lots and Towing of Cars Unlawfully Parked Thereon

An increasingly common practice is that of vehicles that are improperly parked on private property being towed to a private impound lot. Many times the peace officer will respond to a situation where a towing company is about to tow away a car and a very irate owner is attempting to halt the action.

If called to a private property impound problem, the officer should verify the authority of the towing company. If verification cannot be determined, advise the tow truck operator to release the vehicle.

If the vehicle owner(s) is present and objects to the vehicle being removed, the officer should first determine whether there is evidence of proper authority. Regardless of authority, if the vehicle is attached to the tow truck, but has not yet been removed from the premises, the tow truck operator must

release the vehicle under Utah law. Advise all parties that the situation is a civil matter that you cannot resolve. Keep the peace and encourage a good exchange of information between the parties.

If evidence of proper authority has been verified, the vehicle is attached to the tow truck, and the vehicle has been removed from the premises, the tow truck operator has lawfully removed said vehicle and may proceed with a possessory lien. Once the possessory lien has attached, the tow truck operator's right to possess the vehicle is superior to the owner's. However, when the lien has been discharged by payment of fees to the tow truck operator or otherwise as required by the court order or other authority, the owner's right to possess the vehicle is restored immediately.

If the tow truck operator demands payment as a condition of releasing the vehicle, advise the tow truck operator that the vehicle owner becomes responsible for the charges only after the vehicle has been lawfully removed and a possessory lien is in effect.

WRITS OF HABEAS CORPUS

A writ of habeas corpus is granted when a court finds reason to believe that a person is being unjustly imprisoned or otherwise has his/her liberty restrained. It is often used in child custody cases. The writ is addressed to a defendant, who is believed to have custody of the individual of concern.

If the defendant cannot be found, or if he/she does not have such person in custody, the writ and any other process issued may be served upon any one having such person in custody, in the same manner and with the same effect as if he/she had been made defendant in the action.

If the defendant conceals himself/herself or refuses admittance to the person attempting to serve the writ, or if he/she attempts wrongfully to carry the person imprisoned or restrained out of the service area, the officer shall immediately arrest the defendant, or other person so resisting, and bring him/her, together with the person designated in the writ, forthwith before the court before which the writ is made returnable.

CONCLUSION

The preceding are the most common civil problems encountered by peace officers. Each officer should remember that his/her job is not to provide legal advice or to settle civil disputes. Rather, his/her job is to prevent a breach of the peace, and he/she should do everything in his/her power to assure that this does not occur. It is important that the peace officer do whatever is necessary to prevent a volatile situation from escalating into a situation far beyond the initial expectations of the parties. If a peace officer has questions about his/her rights and obligations, he/she should contact his/her local county or district attorney or sheriff's office for advice on how to proceed.

Practical Exercise

REPOSSESSION

Wheeling & Dealing Loan Company calls dispatch for assistance in repossessing a vehicle. The payments are overdue by three months. You are dispatched to the scene to assist them.

1. You should contact the person from whom the property is being repossessed and tell him you are picking up his vehicle for the loan company because he is delinquent in his payments.

TRUE _____

FALSE _____

2. The car is sitting in the driveway, unlocked, with the keys inside. The loan officer attempted to contact the owner, but no one would come to the door. The loan officer gets into the car and drives it away. This is a legal repossession, and you leave the scene with your job completed.

TRUE _____

FALSE _____

3. When the loan officer starts to get into the car, the owner comes out of the house and tells him to get off his property. As the officer on the scene, you should:

- a. arrest the owner for making threats.
- b. tell the owner that you are picking up the car under your badge of authority.
- c. advise the loan officer to leave the property and contact his attorney to get the proper court papers.
- d. None of the above.

LANDLORD-TENANT PROBLEM

SITUATION A

You are dispatched to contact a landlord concerning a problem with a tenant. She informs you that the Sheriff's Office served the tenant with a 15-day notice to move 16 days ago. She shows you the paper, with the sheriff's return of service attached. The tenant is refusing to move out.

4. The proper action to take is to advise the landlord to turn off the power, gas, and water so that when the tenant moves out, the landlord can change the locks.

TRUE _____ FALSE _____

5. You should tell the landlord that it is all right to go in and take whatever property she wants to in order to recoup the payment for back rent.

TRUE _____ FALSE _____

6. You should tell the landlord that she needs an order from the court to enter or evict the tenant, and refer her to her attorney.

TRUE _____ FALSE _____

SITUATION B

You arrive at an apartment where the tenant is standing outside. He tells you that the landlord has locked him out because he owes rent, but he is only one day late.

7. You should contact the landlord and tell him to unlock the door because he hasn't followed the proper procedure and needs a court order.

TRUE _____ FALSE _____

8. You should advise the tenant to break the door open and go in, because the landlord didn't use a court order to remove him.

TRUE _____ FALSE _____

9. You should advise the tenant to contact an attorney, and that you can do nothing.

TRUE _____ FALSE _____

DOMESTIC DISPUTE

SITUATION A

You are sent to a house to contact a woman who is having problems with her ex-husband. The husband is there to pick up the children for his regular visit. The woman is very upset because he owes her child support; she will not allow the children to go, and wants him off the property. She shows you a restraining order signed by a judge prohibiting him from coming onto the property.

10. You should tell the ex-husband that he is in contempt of court, and that if he does not leave you will have to arrest him.

TRUE _____ FALSE _____

11. You should advise the ex-husband to leave, contact his attorney, and get a court order stating his visitation rights.

TRUE _____ FALSE _____

12. You should have the wife sign a complaint for trespassing with the judge who signed the restraining order, and inform her that you will arrest the ex-husband if the court so orders.

TRUE _____ FALSE _____

SITUATION B

You are dispatched to meet a woman at her home. Upon arrival, she advises you that her ex-husband has picked up the children for visitation. They were due back several hours ago, but when she called his house, he stated that he was not going to give the children back to her. She shows you the divorce decree, and you verify that she has full custody. She asks you to go get the children. You contact the ex-husband, and he states that he is not going to give back the children because she won't let him see them very often.

13. You should take the children from the ex-husband and give them back to their mother.

TRUE _____ FALSE _____

14. You should advise the ex-husband that a complaint of custodial interference could be signed against him if he does not return the children.

TRUE _____ FALSE _____

15. You should tell the ex-wife to contact her attorney and get a writ of habeas corpus.

TRUE _____

FALSE _____

SITUATION C

A father and his attorney show up at the office and pay the service fee for a writ of habeas corpus. They request that you retrieve the child in question from the mother as per the court order. You contact the mother and serve the order, but she refuses to turn over the child.

16. You can arrest her and take her and the child before the court.

TRUE _____

FALSE _____

You make contact with the woman and she tells you that she doesn't have the child. She explains that her sister currently has the child. You go to the sister's house and serve her with the paper. She won't let you into the house, but tells you that she does have the child. She won't give you the child because her name is not on the court order. She tells you she is leaving for California and taking the child, and that she will not bring the child back for any court hearings.

17. The proper course is to place the sister under arrest and take her and the child before the court.

TRUE _____

FALSE _____