

ANTHONY BANDIERO, ESQ.

RS/PC

POCKET GUIDE

ARTICULATION GUIDE
FOR LAW ENFORCEMENT



Blue to Gold

RS & PC Pocket Guide

ARTICULATION GUIDE FOR LAW ENFORCEMENT



Anthony Bandiero, JD

Attorney - Senior Legal Instructor

Blue to Gold, LLC
SPOKANE, WASHINGTON

Copyright © 2020 by Anthony Bandiero, JD, ALM

All rights reserved. No part of this publication may be reproduced, distributed or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior written permission of the publisher, except in the case of brief quotations embodied in critical reviews and certain other noncommercial uses permitted by copyright law. For permission requests, email info@bluetogold.com.

Blue to Gold Law Enforcement Training, LLC
1818 W. Francis Ave #101
Spokane, WA 99205
www.bluetogold.com

Volume Orders and Custom Covers

Quantity sales and custom covers with your agencies badge are available for agencies, associations, and others. For details, email info@bluetogold.com.

RS & PC Pocket Guide/ Anthony Bandiero. —3rd ed.
ISBN 979-8563503557
Updated 12-2023

Contents

How to Use This Book

Introduction.....	8
Do I Add These to My Report?	9
N.E.R.D.S.....	10
Articulate Conclusions	11
Customized Bulk Orders	14

Common Articulation Factors

Inferences	16
Nervousness	21
Deceptive Behavior	27
Furtive Movements.....	32
Constructive Possession.....	35
Willful Blindness	39
Abandonment	43
High-Crime Area.....	45

Consensual Encounters

Consensual Encounters	48
Consensual Searches	50

Anonymous Tips

Anonymous Tips.....	54
---------------------	----

Officer Safety Concerns

Pre-Attack Indicators.....	57
----------------------------	----

Patdowns	61
Plain Feel	67
Protective Sweep of Vehicle for Weapons	70
Warrantless Entry into Home for Officer Safety	76

Narcotics Offenses

Vehicle Criminal Profiling.....	81
Active Drug User.....	85
Nervousness	88
Privately-Owned Vehicles	94
Rental Cars	96
Decoy Vehicles.....	98
Travel Plans	99
Searching Passengers.....	102
Concealed Compartments	105
Trafficking Narcotics	110
Commercial Vehicle Narcotics Trafficking.....	116

Property Crimes

Nervousness	119
Possession of Stolen Property	124
Fraud	129

Violent Crimes

Nervousness	134
Battery	139
Domestic Violence	141

Firearms Offenses

How to Spot Concealed Carry	147
<i>Driving Offenses</i>	
Reckless Driving.....	150
DUI.....	152
<i>Exigent Circumstances</i>	
Exigency.....	163
Automobile Searches	165
Warrantless Entry to Protect Property	167
Warrantless Entry to Prevent Harm/Render Assist.	168
<i>Use of Force</i>	
Pre-Flight Indicators.....	171
Pre-Attack Indicators.....	175
Articulating Use of Force	179
<i>Interview and Interrogation</i>	
Adult & Juvenile Miranda Warnings.....	182
Miranda Waivers.....	184
Criminal Interviews.....	186
<i>Miscellaneous Issues</i>	
Mailed Contraband	189
Courtroom Testimony.....	190
<i>Demographics</i>	
Match-up Their Social Security Prefix with State.....	193
Do They Know Their Sign?	201
Does Their Area Code Match Location Provided?	202
<i>Street Slang</i>	

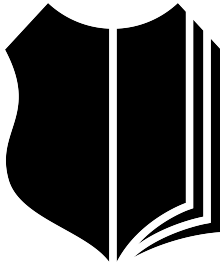
Street Slang for Narcotics	213
Street Slang for Prescriptions.....	221
HIDTA Areas	
HIDTA Areas	226

This book is dedicated to Kristen, Carson, and Brandon for helping me pursue my passion for teaching cops about search and seizure.

We have an incredible warrior class in this country - people in law enforcement..., and I thank God every night we have them standing fast to protect us from the tremendous amount of evil that exists in the world.

— Brad Thor

Consensual Encounters



CONSENSUAL ENCOUNTERS

Consensual Encounters

The key to effectively articulating a consensual encounter is to convince the court that a reasonable person would feel free to leave. Therefore, explain to the court how you did not block the person's path, use any force, or use words or gestures that appear to require compliance.

Remember, some of these factors are worthless alone. Instead, look at the totality of the circumstances.

Police statements

Describe what you initially said to the subject (e.g. "Can we talk?")

Describe how you kept the encounter consensual

Suspect characteristics

Suspect's criminal history means he should be less intimidated around officers

Officers did not touch or block the suspect's path to leave

Suspect was not told to extinguish his cigarette (helps show no detention)

Suspect reactions

Gave consent to search immediately after asked

Suspect was told he was free to leave and he indicated he understood

Suspect appeared relaxed

Did not complain about encounter

Appeared happy

Wanted to cooperate

Environmental factors

Was not surrounded by police

No weapons were displayed

Officers spoke to him in a polite or conversational manner

Police were inquisitive, no direct accusations of criminal conduct

The encounter was not excessively long

Emergency lights were not used

No commands were given

Police spoke from car - did not get out

CONSENSUAL ENCOUNTERS

Consensual Searches

In order to uphold a consensual search, you must prove three requirements. First, you got consent from someone who can give it (i.e. apparent authority). Second, the consent was free and voluntary. And third, when you conducted the search you didn't exceed any implied and expressed limitations.

Remember, some of these factors are worthless alone. Instead, look at the totality of the circumstances.

Apparent authority

Joint owner of the property

Uses the property

Has a key or knows the combination to open it

Has accessed it in the past

Has current control over it

They have personal items inside the place you want to search

They have limited access over the item, for example a valet parker, and they allow the same access they have

The consenter told you it's theirs, even if later proven untrue

Their name is on the luggage

Their spouse or significant other owns the car or container

Free and voluntary

Person was not badgered for their consent

No commands were given

The person was told they had a right to refuse consent

No weapons were displayed

Hands were not on weapon or Taser

Consent gotten in open public area (less coercive environment)

Was not surrounded by police

Consent to search was in writing

Officers spoke to him in a polite or conversational manner

Police were inquisitive, no direct accusations of criminal conduct

The encounter was not excessively long

Emergency lights were not used

You told the person what you were looking for

The person has experience with the criminal justice system (indicates that they know their rights)

Suspect readily exited the vehicle or dropped container after you asked to search

Suspect offered to help with search

Suspect offered for you to search, without asking

Consenter was an adult, not a child (children can consent to search under some circumstances)

Suspect gave you keys to car or container

Search didn't exceed implied or expressed limitations

The suspect did not tell you to not search a particular place

Suspect watched the search, didn't object

Suspect offered to allow you to search, without asking

The place or object searched could fit the item you asked to search for

The search was not excessively long

You did not break anything

You did not use tools



Anthony Bandiero, JD, ALM

Anthony is an attorney and retired law enforcement officer with experience as both a municipal police officer and sergeant with a state police agency. Anthony has studied constitutional law for over twenty years and has trained countless police officers in advanced search and seizure.

View his bio at BlueToGold.com

RS/PC

POCKET GUIDE

THE PURPOSE OF THIS BOOK IS STRAIGHTFORWARD - I WANT TO HELP YOU ARTICULATE YOUR REASONABLE SUSPICION ("RS") AND PROBABLE CAUSE ("PC") IN YOUR REPORTS. WHY? BECAUSE THAT'S THE MAIN WAY TO WIN CASES AND AVOID SUPPRESSION HEARINGS ALTOGETHER.

ARTICULATE, ARTICULATE, ARTICULATE! IN MY EXPERIENCE, MOST COPS LOSE THEIR CASES BECAUSE THEY FAILED TO ARTICULATE THEIR RS AND PC. THIS IS TRUE EVEN IF THE OFFICER ACTUALLY HAD RS OR PC. IN OTHER WORDS, WHEN I SPEAK TO COPS THAT LOST A CRIMINAL CASE, OR WERE SUCCESSFULLY SUED, THEY OFTEN HAD ENOUGH FACTS AND CIRCUMSTANCES TO WIN THEIR CASES. BUT THEY LOST BECAUSE THEY EITHER DID NOT ARTICULATE IT PROPERLY OR WERE NOT ABLE TO TRANSLATE WHAT THEY SAW OR HEARD ON-SCENE INTO RS OR PC. YOU SEE WHAT I MEAN? ARTICULATION IS KEY! THIS BOOK WILL HELP YOU ARTICULATE THINGS THAT ARE OFTEN HIDDEN "IN PLAIN SIGHT." THE SUSPECT IS TELEGRAPHING HIS GUILT, YOU JUST NEED TO BE ABLE TO ARTICULATE IT. THAT'S WHERE THIS BOOK COMES IN.

USE THIS RESOURCE OFTEN AND BE PREPARED TO PROACTIVELY CATCH AND HELP CONVICT PEOPLE WHO WANT NOTHING MORE THAN TO VICTIMIZE THE MOST VULNERABLE..



Blue to Gold

Visit: bluetogold.com

Training | Legal Updates | Free Webinars