

EXHIBIT F-2

Appropriate Actions During a Detention, Continued

Examples

An officer detained a person as a suspect in a battery. Because the badly beaten victim was still recovering in a nearby hospital, the officer may take the detainee to the hospital for the victim to view for identification purposes.

Two peace officers approached a group of men acting suspiciously on a corner known for drug activity. They asked the men for identification; one of the men was a known narcotics dealer. When the officers continued to question the known dealer, the other men began to get belligerent and verbally harassed the officers. The officers were justified in moving the detainee for their own safety.

Refusal to answer questions

A detainee is not obligated to answer any questions an officer may ask during a lawful detention. The refusal to answer questions alone does not provide probable cause for escalating a detention to an arrest.

NOTE: A person who flees from a lawful detention or intentionally gives misleading/incorrect answers may be arrested for violating *Penal Code Section 148(a)(1)* (resisting, delaying, or obstructing any officer), provided that the action delayed or obstructed the investigation. Not answering questions, however, is not a violation of law.

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Use of Force/Physical Restraint During a Detention

Introduction

Sometimes officers may have to use force or physical restraints to detain a person. The reasonableness of the use of force will determine whether the detention is elevated to an arrest or remains a detention.

Use of force or physical restraints

If a person attempts to leave during a detention, officers may use reasonable force and/or physical restraints to compel the person to remain. The use of force does not necessarily elevate the detention to an arrest. Uncooperative individuals may be:

- handcuffed, and/or
- placed in a patrol vehicle

Any use of force during a detention must be in accordance with *Penal Code Section 835a*.

Examples

A lawfully detained person began to get nervous during questioning, looked around, and started to walk off; the officer ordered the person to stay. When the person continued to walk off, the officer went after him, grabbed him by the arm, escorted him to the squad car, and placed him in the back seat.

When a peace officer started checking whether the person she had detained had an outstanding warrant, the person turned and ran. The officer chased him and grabbed him. When he continued to struggle, the officer handcuffed him, walked him back to her car, and confirmed the outstanding warrant.
