

Chapter 2

Communication: The Foundation of Police Operations

CHAPTER 2 OUTLINE

Introduction

Lines of Communication within an Agency

Technological Advances in Police Communication

Enhanced Access to Databases

The National Crime Information Center (NCIC)

The National Data Exchange (N-DEx)

The Law Enforcement Online Service (LEO)

OneDOJ Initiative

Regional Information Sharing System (RISS) Program

The Law Enforcement Information Exchange (LInX)

CrimeCog

Intelligence Communications Enterprise For Information Sharing and Exchange (ICEFISHX)

Web Sites and Social Media

Concerns about Technology in Police Communication

Communication Security

Interference on the Line and Dropped Calls

Lack of Interoperability

Lack of a Common Language among Public Safety Agencies and Agents

Challenges in Communicating with an Increasingly Diverse Public

Communicating with the Elderly

Communicating with Non-English-Speaking Immigrants

Communicating with Those from a Different Culture

Communicating with Individuals with Disabilities or Conditions Affecting Speech

Communicating with Individuals Who Are Mentally Ill

Communicating with Individuals Who Are Mentally Retarded or Autistic

Interacting with Individuals Who Are Mentally Retarded

Interacting with Individuals Who Are Autistic

Communicating to Obtain Information

The Field Inquiry and Authority to Stop

The Interview

The Importance of Rapport

Setting the Stage

Recording Interviews

Types of Questions

Interviewing Techniques

- Phrasing Questions

- Avoiding Contaminating an Interview

- Interviewing Witnesses and Victims: The Lifeblood of Criminal Cases

- The Cognitive Interview

- Interviewing Children

- Statements

Information from Informants

- Anonymous Tips

The Interrogation

- The *Miranda* Decision

- Waiving the *Miranda* Rights

- Which Comes First: *Miranda* Warning or Questioning?

- When *Miranda* Is Not Required

- Providing Consular Rights Warnings to Foreign Nationals

- Ethical Considerations in Interrogation

- Use of Force or Coercion during Interrogation

- Detecting Deception

- Truth Detection Technology

- Documenting Confessions

Report Writing

- The Importance of Field Notes

- Purposes of Reports

- The Audience

- Common Problems with Reports

- The Effective Report

- Computer-Assisted Report Entry

Interaction and Cooperation with the Media

- Summary

- Application

- An Exercise in Critical Thinking

- Discussion Questions

- Gale Emergency Services Database Assignments

- References

- Cases Cited

CHAPTER 2 SUMMARY

Effective communication can produce several positive outcomes and can be used to inform, persuade, diffuse, guide, motivate, reassure, and negotiate. Internal communication may be vertical (downward or upward) or horizontal (lateral). Among the valuable databases available to police officers are the National Crime Information Center (NCIC), the Law Enforcement National Data Exchange (N-DEx), the Law Enforcement Online service (LEO), the OneDOJ Initiative, the Regional Information Sharing System (RISS) Program, the Law Enforcement

Information Exchange (LInX), CrimeCog, and the Intelligence Communications Enterprise For Information Sharing and Exchange (ICEFISHX).

Special problems encountered with communications technology include keeping police communications secure, interference on the line and dropped calls, lack of interoperability, and a lack of common language. The Department of Homeland Security recommends that first responders replace their 10-codes with plain language communications.

Special populations that may pose especially challenging communication issues include the elderly, individuals who speak little or no English or have different cultural backgrounds, and those with disabilities or diseases that may impair their ability to communicate. An individual with Alzheimer's disease may have slurred, incoherent speech resembling intoxication. The speech of a person who has been deaf since birth may be mistaken for that of one who is intoxicated or using drugs. An epileptic seizure can look like intoxication or the influence of street drugs, as all may involve impaired consciousness, incoherent speech, glassy-eyed staring, and aimless wandering.

Effective communication in the field is critical to successful police operations and includes field inquiries, interviews, and interrogations. The right to stop and question suspicious people (field inquiries) was established in the landmark case of *Terry v. Ohio* (1968). In *Miranda v. Arizona* (1966), the Supreme Court established the following rights applied to custodial interrogations:

- The suspect has the right to remain silent.
- If the suspect gives up the right to remain silent, anything that the suspect says can be used in a court of law against him or her.
- The suspect has a right to speak to an attorney and to have an attorney present when being questioned by the police.
- If the suspect cannot afford one, an attorney will be appointed to represent the suspect before questioning begins.

Confessions obtained by force or under “inherently coercive” conditions are inadmissible in court.

In addition to verbal communication skills, police officers also need effective writing skills for both field notes and reports. Reports are used to permanently record facts, provide details of a criminal incident to be used in a follow-up investigation, provide a basis for prosecution, refresh an officer's memory when testifying in court, provide data for federal and state crime reporting systems, and document the past and plan for future services. The audience for police reports includes other officers, supervisors, other professionals within the criminal justice system, and laypeople such as insurance investigators, social workers, and reporters.

Effective reports are accurate, brief, clear, complete, legible, objective, grammatically correct, and correctly spelled. Effective reports are also written in the past tense and in chronological order. They use verbs rather than nouns when possible, avoid sexist language, and can “stand alone.”

Police departments must balance the public's "right to know" and reporters' First Amendment rights to publish what they know with the police's need to withhold certain information and to protect the privacy of victims and witnesses—Sixth Amendment rights.

CHAPTER 2 LEARNING OBJECTIVES

After completing this chapter, students will know:

- What positive outcomes effective communication can produce.
- In what directions communication might flow.
- What databases can be of value to law enforcement.
- What challenges and concerns law enforcement has encountered with communications technology.
- What some criminal justice entities believe law enforcement 10-codes should be replaced with.
- What special populations may pose especially challenging communication issues.
- When slurred speech may not be the result of intoxication.
- Which case established the right of police officers to stop and question a person.
- What rights *Miranda v. Arizona* grants to suspects.
- What would make a confession inadmissible in court.
- What purposes written police reports serve.
- Who the likely audiences of police reports are.
- What the characteristics of effective police reports are.
- What two amendments police must balance when dealing with the media.

KEY TERMS

Students will be introduced to the following key terms:

absolute privilege, admission, beachheading, Beheler admonition, closed question, cognitive interview, conditional privilege, confession, felony syndrome, field inquiry, informant, interoperability, interrogation, interview, leading question, *Miranda* warning, open question, plain language, primary victim, privileged information, rapport, reader-friendly writing, reasonable suspicion, secondary victim, statement, *Terry* stop, totality of circumstances, waiver

APPLICATION

As head of the public relations department, you have noticed an increase in complaints against officers who have mistaken a disability or physical problem as intoxication. Officers have no guidelines about how to determine whether what appears to be alcohol- or drug-induced intoxication is indeed alcohol- or drug-induced intoxication.

Instructions: Use the form in the Appendix to write a policy regarding communicating with individuals who *appear* to be under the influence of alcohol or drugs. Then write the procedures needed to carry out the policy.

POSSIBLE RESPONSE TO THE CRITICAL THINKING EXERCISE

1. c. Although information on which police relied was provided by the telephone report of the eyewitness, their reliance was nonetheless justified. The factual basis for stopping a vehicle need not arise from an officer's personal observation, but may be supplied by information acquired from another person. This information must be accurately communicated from reliable sources. *Probable cause for an arrest* is something more than mere suspicion, but less than evidence that would sustain a conviction. Probable cause is based on a reasonable police officer standard and a careful consideration of the situation and the officer's sources of information, observations, training, and experience.

POSSIBLE RESPONSES TO THE DISCUSSION QUESTIONS

1. When you communicate with another person, are you aware of whether that person is really listening? How can you tell?

Each student will be aware in a different way whether someone is listening to him or her. Personal experiences should be given and discussed with other students whose unique observations will indicate whether a person is listening to them. Examples provided by students may include eye contact, the other person repeating information, or the other person responding with probative questions. This may give students a clue about whether others think one is a good speaker and conveys ideas clearly.

2. Do you feel the average citizen with whom you communicate is going to understand any legal language you may use to describe an offense?

Probably not, because the average citizen does not understand the language of the legal profession. A good example of this is when the electronic media constantly states that a burglary is a robbery. Students' opinions will bring out good examples, and you may extend the discussion to include places where citizens could receive "faulty" information (e.g., media, Web sites, other citizens).

3. What language barriers or other cultural barriers would you be likely to encounter in your community?

Students should assess their own experiences and the people they associate with in their neighborhoods. People of different ethnic groups may pose an obstacle to conversation because words in their language may not necessarily mean the same in the student's language. In addition, students may consider that acts that are considered a crime in the United States may not have the same elements as a crime in another culture.

4. At night, you confront a suspicious man walking in an elite neighborhood. You stop to question the man, but he refuses even to give his name. What are you going to do? Elaborate and justify your decision.

This situation has become an increasingly common subject in court cases, although opinions have been contradictory, leaving officers with little guidance on how to handle such situations. If the subject of the stop is a minority who neither speaks nor understands English, or if the subject has a disability that interferes with communication, tension may mount between the officer and the individual, sometimes to the point where the person becomes belligerent. This situation involves discretionary judgment by the officer (e.g., some officers feel strongly that the threat of jail might be sufficient to get the suspect to talk). Such a situation poses a problem for the officer, and it will be interesting to hear how each student would handle it.

5. How would you warn a suspect of his rights if, while you were interviewing this person, he suddenly said, "I committed the crime"?

Spontaneous remarks by an individual admitting to a crime have been upheld by the courts as admissible evidence. After such an admission, the officer should advise the suspect of his or her rights.

6. What are some positive outcomes of good incident reports?

Positive results of good incident reports include providing a permanent record of facts, providing a basis for prosecution, and providing documentation of present, past, and potential future service needs. Good reports are understood by other members of the department and are embraced by prosecuting attorneys, who have limited time and must have a factual, understandable report from the officers to determine if warrants or charges ought to be made. The legal system encourages officers to make good reports so everyone involved may come to faster conclusions.

7. How do the media affect police operations?

Law enforcement has begun to see social media as a valuable resource in reaching out to the public, and even as a means of capturing fugitive criminals. Student discussion may also include a look at how social media can be seen as an invasion of one's privacy.

ANCILLARY MATERIALS

An Overview of Investigative Interviewing (60-minute DVD, #FNN10170 DVD ISBN: 978-1-4213-6813-9)

This video explores the right and wrong way to interview suspects, witnesses, and victims. Separate mugging film clips are included for classroom use. Great video for interview and interrogations practice.

[Source: Films for the Humanities and Sciences, 800-257-5126]

Interviewing Victims and Witnesses (58-minute DVD, #FNN10171 DVD ISBN: 978-1-4213-6814-6)

This video is an extension of the *Overview of Investigative Interviewing* video. Video gives more detailed information on cognitive interviewing.

[Source: Films for the Humanities and Sciences, 800-257-5126]

Interviewing Suspects (58-minute DVD, #FNN10172 DVD ISBN: 978-1-4213-6815-3)

This video is an extension of the *Overview of Investigative Interviewing* video. Video gives more detailed information and focuses on the interviewing of suspects.

[Source: Films for the Humanities and Sciences, 800-257-5126]

Cengage Learning's Criminal Justice Media Library (ISBN 0-495-80998-5) is available for purchase with adoption of any Cengage Learning criminal justice text. This extensive media resource includes videos, animations, simulations, and more on topics such as policing, fundamentals of criminal justice, and careers in criminal justice.