



April 2014

Tactical Aid Course Prepares You to Save Lives

A gunman opened fire at Los Angeles International Airport last November and shot Transportation Security Administration Officer Gerardo Hernandez 12 times at point-blank range before continuing on his shooting spree.

Officers neutralized the shooter within about five minutes. However, Officer Hernandez lay bleeding about 20 feet from an exit, and paramedics were held at bay until authorities were assured the terminal was secure. It was more than 30 minutes before airport police placed Hernandez in a wheelchair and ran him to a waiting ambulance.

Hernandez was declared dead 90 minutes after the shooting, but coroners believe he died within two to five minutes of being shot. It's impossible to know whether faster medical attention could have saved him, but this incident and far too many others have people wondering how to prevent such tragedies.

Yet the fact is, traumatic injuries affecting civilians and law enforcement officers can arise from traffic stops, accidents, altercations, and many other scenarios. No community, urban or rural, is immune.

As a first responder, are you prepared to respond to traumatic injury? If a fellow officer goes down, do you know how to treat his injury and carry him to safety? Do you know how to use a tourniquet on yourself or a fallen officer to control the bleeding until EMS can arrive? If you're wounded in the line of duty, can you treat your own injuries so you can protect yourself and others until the threat has passed? If you come across an accident scene where a civilian is bleeding heavily from a compound fracture, could you help her until medical personnel arrived?

The Attorney General's Ohio Peace Officer Training Academy (OPOTA), in conjunction with the National Center for Medical Readiness at Wright State University, offers a course designed to teach law enforcement officers these vital skills. Dr. Brian Springer, director of the Division of Tactical Emergency Medicine at Wright State, and OPOTA Law Enforcement Training Officer Doug Daniels teach the tactical emergency medical aid course, Self Aid, Buddy Aid for the Law Enforcement Officer.

"In basic first aid, you learn about opening airways and restoring circulation," Daniels said. "But in this course, we stress that the first priority is to control the bleeding. Law enforcement officers must be prepared for massive blood loss from gunshot wounds. We teach you how to control that bleeding because blood loss will kill you faster than chest wounds or airway loss."

The one-day course is divided into a classroom component and several physically demanding Airsoft scenarios that require tactical movement under fire as well as lifting, dragging, and carrying the injured. Participants learn how to assess the nature of injuries, identify possible complications from

chest wounds, and recognize life-threatening shock. Participants must identify the priorities for basic treatment, which include — in this order — controlling bleeding, stabilizing airways and treating chest wounds, and rapidly evacuating the casualty.

Still uncertain whether this course could be useful to you? True or false: A tourniquet should be used as a last resort on a limb injury, because it will significantly increase the likelihood of amputation.

The answer is false. According to a recent *New York Times* article, we developed a misperception during World War II that tourniquets did more harm than good. Then, it often took hours, sometimes days, for wounded soldiers to receive adequate medical attention. Medical experts blamed tourniquets for cutting off blood to the limb and necessitating amputation.

But a proper tourniquet is never left in place that long. If used immediately after an injury to temporarily control bleeding, a tourniquet has incredible life-saving potential. *The Times* article noted that tourniquets have saved the lives of countless soldiers in recent Middle East combat. Bystanders at the Boston Marathon bombings applied makeshift tourniquets to the limbs of the wounded, controlling the bleeding long enough to get victims to the hospital. In fact, doctors routinely use them for up to two hours in surgical procedures with no ill effects.

A tourniquet should be placed high on the fleshy part of a limb. It should be tightened only until bleeding is controlled. You can use a modern, easy-to-use commercial tourniquet or make one from available items. A belt cinched tightly or even a piece of fabric twisted tightly around a baton or stick can do the trick. The beauty of a tourniquet is its simplicity. You can place one on yourself if necessary.

The OPOTA course also teaches officers how to use other emergency medical devices in the field, including chest seals, hemostatic agents, and nasopharyngeal airways along with how to dress traumatic injuries with commercial and improvised dressings. Participants also learn the tactical aspects of rescuing casualties, including various carries and drags to move people to safety. The course is designed specifically for law enforcement and is geared to build on your previous training.

Self Aid, Buddy Aid for the Law Enforcement Officer is offered June 30 and Oct. 6 at Wright State University's Calamityville Facility, 506 E. Xenia Drive, Fairborn. More information is available through the OPOTA Course Catalog link below, and online registration is available through the Ohio Law Enforcement Gateway (OHLEG).

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Additional Resources

- [OPOTA Course Catalog \(Skills Development Courses\)](#)
- [Wright State University's National Center for Medical Readiness](#)
- [Wright State University's Calamityville Facility](#)
- [Reviving a Life Saver, the Tourniquet \(*New York Times*, Jan. 19, 2014\)](#)

Warrants (the Hot Pursuit Exception): *State of Ohio v. Cross*

Question: What is the "hot pursuit" exception, and when does it apply?

Quick Answer: “Hot pursuit” lets you pursue a fleeing suspect into a home, without a warrant, if you have identified yourself as a law enforcement officer and are in actual pursuit of a suspect.

State v. Cross, Fourth Appellate District, Washington County, March 11, 2014

Facts: A deputy observed a car go left of center and turn without signaling. He followed the vehicle until it stopped in a driveway, never turning on his lights or sirens. Bryan Cross, the driver, exited the car and walked toward his garage. As soon as he exited his patrol car, the deputy noticed the odor of alcohol on Cross. About 20 feet from the garage, the deputy ordered Cross to stop. Instead of stopping, Cross walked faster into his garage. Cross claimed he never heard the deputy. The deputy entered Cross’ garage, stopped him, and administered a field sobriety test. He arrested Cross for OVI. The state argued the stop was proper because he was in “hot pursuit” of Cross and did not need a warrant to enter his property.

Importance: - Instead of ruling on whether the hot pursuit exception applied, the appellate court kicked the case back to the trial court because that court mistakenly thought the deputy had turned on his lights and sirens. But, the court seemed to express some skepticism about the claim of hot pursuit made by the State, considering the deputy said he wasn’t “in pursuit” of the suspect and it was more a “lukewarm amble” up the driveway.

The question of whether the pursuit was “hot”— or even a pursuit to begin with — will now go back to the trial court along with the questions of whether the deputy identified himself and whether the suspect was even fleeing. One way to avoid the same kind of torturous litigation is to always keep in mind the three elements of the exception: 1) There must be *pursuit*. 2) You must have identified yourself as a law enforcement officer. 3) The suspect must be *fleeing* from you. If all three of those aren’t present, you can’t barge into someone’s house without a warrant.

Keep in Mind: Entry of a home without a warrant is always presumed unreasonable, and law enforcement has a heavy burden to prove an exception for a warrantless entry. This is especially true when the underlying offense that occurred in public is relatively minor — such as a minor traffic violation. If you are going to use an exception, make sure you do all of the things necessary to make the exception apply.

One More Note: The exception of hot pursuit is very specific to the facts of each circumstance. In Ohio, we have a broader definition of hot pursuit than other states. For example, we extend hot pursuit to misdemeanor offenses. Here are some examples, from the past, of when courts found the exception to apply:

- Police officers’ continuous chase of a suspect fell within the hot pursuit exception when the suspect was chased from the scene of the crime. Police attempted to tackle the suspect and chased him over fences and through a courtyard for a period of four minutes. The suspect was never out of the officers’ sight until he slammed the apartment door in their faces. **Cleveland v. Shields**, Eighth Appellate District, Cuyahoga County, July 3, 1995
- Officers observed the suspect driving in a sporadic manner, and when they approached him in his driveway, he ran to the back of his house and entered his kitchen. It was undisputed that officers had probable cause to arrest the suspect for driving under the influence when they entered his home. Because the police officers, having identified themselves, were in hot pursuit of a suspect who fled to a house to avoid arrest, they were able to enter without a warrant even though the offense was a misdemeanor. **Middletown v. Flinchum**, Supreme Court of Ohio, April 10, 2002

- Officers were driving home in an unmarked city SUV about 5 p.m. after a shift. While in single-lane traffic, a motorcycle rider passed the officers on the right side and drove through a red light. The officers recognized the man and knew where he lived. Once they arrived at his home, they found the suspect straddling the motorcycle, walking it into his detached garage. When he was approximately 15 to 20 feet from his open garage, the officers ordered him to stop several times and called him by name. They followed him into his garage, where they discovered the suspect was slurring his words and smelled of alcohol. The court found the officer was permitted to issue the traffic citations as he was in hot pursuit of the suspect when he entered the garage. Since the attempt to arrest was set in motion while the suspect was outside in public view, the pursuit into his garage was lawful, regardless of whether the garage was considered curtilage. [State of Ohio v. Lake](#), Seventh Appellate District, Columbiana County, June 8, 2009

More on Warrants

Warrantless arrest of a co-conspirator. While on surveillance, you see a package containing known drugs being delivered. Five minutes later, a guy we'll call Driver 1 arrives, takes the package, and drives away. As you tail the car, it stops, allowing a second car to pull beside it. The two drivers have a conversation and both drive away, with Driver 2 in the lead. You follow them to a gated community, where Driver 2 uses a keycard to enter. Making it through the gate, you find the cars in the parking lot and approach the suspects. They take you to an apartment with marijuana, large amounts of money, and packing materials. You arrest both. Was the warrantless arrest of Driver 2 proper? The court in *Mowler* said yes. A warrantless arrest is valid if an officer has sufficient knowledge to support a reasonable belief that a suspect has committed an offense. At the time of arrest, officers knew Maurice Mowler (Driver 2) had watched the marijuana delivery and assisted with entry to the gated apartment complex. Any reasonable officer observing this coordinated activity would have a reasonable belief that Mowler was aware of and involved in the transportation of the package containing the marijuana. [State of Ohio v. Mowler](#), Eighth Appellate District, Cuyahoga County, March 6, 2014

Mistakes in a Warrant Affidavit. You receive a tip from an anonymous caller saying a suspect has drugs in a storage facility. Based on the information, the K-9 is called in and alerts on a unit. You write up the information for the warrant, accidentally stating the information came from a "reliable source." The warrant is granted. Before you can get back, the suspect shows up at the storage unit. In response to questions from the officer waiting at the storage unit, the suspect admits he has drugs inside. When you arrive, the unit is searched and you find the drugs. Is your warrant good even though you mistakenly characterized the caller as being reliable? The court in *Johnson* said the mistake of calling the individual a reliable source did not make the warrant invalid. This is because there was other information to show probable cause that the drugs were in the unit. Specifically, probable cause came from the results of the K-9 sniff and the confession by suspect John Johnson. [State v. Johnson](#), Tenth Appellate District, Franklin County, Feb. 25, 2014

Search and Seizure (Unparticularized Suspicion): *State of Ohio v. Boswell*

Question: Can you stop an individual and conduct a search if you believe the person is up to no good?

Quick Answer: No, you have no right to stop people on a hunch. You must have a specific reason to believe the person is engaged in criminal activity.

[State of Ohio v. Boswell](#), Fifth Appellate District, Ashland County, March 7, 2014

Facts: Edward Boswell and a friend were walking on the sidewalk at 10:30 a.m. when an officer drove by, stopped, got out, and asked for identification. The officer then asked if they had anything illegal. Boswell's friend said he did not and gave permission for his backpack to be searched. Inside, the officer found a scale and marijuana flakes. The officer then noticed that Boswell had on a bulky coat and was acting nervous. Boswell told the officer he did not want to be searched. The officer said he was going to search him for weapons and did not need his consent. Inside the coat, the officer found a broken marijuana pipe and a cell phone. Boswell told the officer not to look at the phone, to which the officer said he could search it now or back at the station. The officer then arrested Boswell. At the station, Boswell allowed the officer to look at his phone. The officer found messages about marijuana. Boswell argued that the officer improperly searched him and seized his property.

Importance: If you've been on the street for a long time, you probably have developed a keen sense about who is likely a criminal. In fact, the officer in *Boswell* said he relied on his "cop radar" when he decided to search Boswell. You may have well-developed cop radar, but that isn't enough to justify stopping and searching someone. The Fourth Amendment balances an individual's right to freedom and the public interest of safety. It's important to remember that the use of your cop radar, even if you are right, won't justify a violation of an individual's right to freedom.

Keep in Mind: The officer could not point to any fact supporting his conclusion that Boswell was doing something suspicious, which was the key in this case. His testimony amounted to an unparticularized suspicion or hunch, which then constitutes an improper *Terry* stop. If the officer had testified about more concrete reasoning for the stop, the outcome may have been different.

More on Search and Seizure

Jumping out of a window (twice) and running means you did something wrong. You get a report about a stolen TV. You and the victim arrive at the address where he says the suspect lives. You knock on the front door and get no answer. The victim goes around back and sees the suspect jump out the window. But by the time you get there, he is gone. Later that day, you and the victim head back to the house. No one answers, but you hear noises coming from the back. As you walk around the house you see the suspect jump from the window and run. You call for backup, and the suspect is apprehended. The victim, however, says that is the wrong person. The guy you apprehended said he ran because of an outstanding child support warrant. After a pat-down, crack cocaine and heroin are found. Was the seizure proper? According to the court in *Foreman*, the answer is yes. The police had probable cause because Sammie Foreman ran and did not comply with orders to stop. Additionally, after the detainment, the active warrant was enough for an arrest. [State of Ohio v. Foreman](#), Second Appellate District, Montgomery County, Feb. 21, 2014

Strange movements = reasonable suspicion. While parked outside of a gas station, you notice an individual exit a car and walk up to a truck. You believe an exchange between the two individuals occurred, although you are not totally sure. After the individual returns to his car, you observe him take a drink of what appears to be a beer. You approach the individual, and he starts to reach down to the floor on the driver's side. Concerned he may be reaching for a weapon, you ask him to place his hands on the steering wheel. He then opens his hands to reveal a clear plastic bottle with pills. He admits to paying \$100 for them. You arrest him for possession. Was the seizure proper? The court in *Shrewbury* said yes. In this case, the officer had a hunch about Shannon Shrewbury, so he continued to watch him. The difference between this case and *Boswell* is that the officer waited until he had reasonable suspicion to approach (the open-container violation). The suspicious movements of Shrewbury gave additional reasonable suspicion for the officer to ask his for his hands be placed

on the steering wheel, thereby exposing the object in his hand. [State of Ohio v. Shrewbury](#), Fourth Appellate District, Ross County, Feb. 26, 2014

Traffic Stops (Turn Signal Violations): *State of Ohio v. Smith*

Question: Do you have reasonable suspicion to make a traffic stop if a driver fails to continuously signal 100 feet before a turn and claims he was unable to follow the law?

Quick Answer: Yes. Your observation that the driver violated the rule is enough. Any excuse the motorist has is something that can be considered a defense in court, but does not negate the fact the law was broken.

[State of Ohio v. Smith](#), Tenth Appellate District, Franklin County, Feb. 27, 2014

Facts: Gino Smith had parked his car behind another vehicle, 20 to 30 feet from an intersection with a stop sign. After returning from a store, he got in his car, pulled out of his spot, and veered around the car in front of him. At the stop sign, he turned on his signal. At the same time Smith stopped, police were on the opposite side of the intersection and noted the turn signal was not on continuously for 100 feet prior to the turn. The officer initiated a traffic stop and found drugs. Smith argued there was no reasonable suspicion to pull him over. He claimed he did not violate the traffic ordinance because he was parked less than 100 feet from the intersection and therefore, could not have activated his signal 100 feet before turning.

Importance: A traffic stop is valid if an officer has a reasonable and articulable suspicion that a motorist has committed, is committing, or is about to commit a crime. Under these circumstances, the court determined the officer had reasonable articulable suspicion because he witnessed Smith activate his signal at the stop sign, a clear violation of the law. The officer knew no other information at the time and did not need to know any other information. The stop was reasonable, and any evidence found during the stop was valid.

Keep in Mind: Smith argued that he could not have followed the law because of where he had parked. Under the law, this may be considered a defense, but to you it is probably an excuse. Although you have the discretion to write a ticket, you do not need to consider every excuse for why someone could not comply with a law. Let the court handle the defenses.

More on Traffic Stops

You still need to signal. You arrive at a residence on a drug trafficking complaint to find a vehicle with out-of-state license plates pulling up to the house. The driver failed to signal when he pulled along the curb. You approach the vehicle to request ID, run the suspects, and then watch as they move suspiciously inside the vehicle. Believing they may be associated with the drug house and based on their suspicious movements, you order the suspects out of the car. As one exits, a large bag of heroin falls on the ground. The suspects are arrested and argue the stop was invalid. Was the traffic stop valid? The court in *Rastbichler* said yes. The city ordinance imposed an absolute duty to signal, and failure to signal before pulling to the curb was a clear traffic violation. This violation provided a lawful basis to stop the vehicle. [State of Ohio v. Rastbichler](#), Second Appellate District, Montgomery County, Feb. 21, 2014

This is taking too long. While on patrol, you watch a car with out-of-state plates make an abrupt lane change less than a car length in front of a semi-truck. You initiate a traffic stop and are handed a

rental car agreement. The agreement, however, is out-of-date and does not contain the name of the driver. You suspect the car is stolen and call the rental car company. While waiting to speak to someone, you call in the K-9 unit. The dog alerts on the vehicle, and the car is searched. A bag of marijuana, scales, and prescription drugs are found in the trunk. The stop took 17 minutes. Was this stop unreasonably long? The court in *Brazil* said no. Brazil presented the officer with an expired rental agreement that did not list his name. Although he did have permission to use the vehicle, the officer had to confirm this with the rental car company. The company was not reached until after the K-9 search was completed. The stop was reasonable and did not last longer than necessary to effectuate the purpose of the stop. [*State of Ohio v. Brazil*](#), Sixth Appellate District, Wood County, March 7, 2014

I am going to let you go with a warning. Oh wait, what's that? You get a call from dispatch that a witness reported a car had run a red light, sped up and slowed down, swerved, and almost caused a crash. The witness identified the location and description of the car and added that the driver was either drunk or that something was wrong. You head to the area and find the vehicle pulling into a parking lot without signaling. You initiate a traffic stop and approach the vehicle. The driver smells of cigarettes and mint gum. He does not make eye contact with you. As you start to give the driver a warning, you notice a long paper bag in the back seat. You ask the driver about the bag, and he refuses to tell you what it is. You order him out of the car and smell a strong odor of alcohol as he walks by you. You then notice his eyes are bloodshot and glassy. Based on this, you administer a field sobriety test, which he fails, and you arrest him. On inventory of the car, you find an empty vodka bottle under the front seat. Did you have reasonable suspicion to perform the field sobriety test? The court in *Muster* said yes. Even though the officer had first decided to write a warning about the turn signal violation, the changing circumstances during the stop gave the officer reasonable suspicion to conduct the field sobriety test. The detention of a stopped driver may continue when additional facts generate reasonable suspicion of criminal activity beyond that which prompted the initial stop. [*State of Ohio v. Muster*](#), Fifth Appellate District, Stark County, Feb. 24, 2014