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## Butterworths police law pdf

Police officers have broad powers when it comes to exertions of their duties. They put their lives on the line to protect the people and serve society. For this reason, they also have a certain amount of qualified immunity from civil lawsuits. Of course, this immunity does not apply when police officers act in a manner that qualifies as misconduct. A police officer's actions could be considered police misconduct in a variety of ways. For example, if an officer conducts an unlawful search and seizure or makes a false arrest, it could be considered misconduct. It was also used misconduct as an officer excessive force. However, it is important to remember that an officer is allowed to use reasonable force if a suspicious arrest resists. Police misconduct laws and claims in Indiana: At a glance The chart below provides a useful review of police misconduct laws and claims in Indiana. For more detailed information, please visit the links provided in the chart as well. Statute(s) Indiana Code, Title 35: Official Misconduct A state official commits official misconduct if they knowingly or intentionally: Commit an offense in performance of their official duties; Accept or claim property of an employee or appoint as a condition of continued employment; Obtain or divest a monetary interest in

property or a transaction (or help someone else do so) based on information they have obtained through their position; or Failure to deliver public records and property in their custody to their successor. Official misconduct is a Level 6 felony. When a police officer can make an arrest a police officer can make an arrest when they have a warrant or have probable cause under a variety of circumstances. Examples of these circumstances include if the officer has probable cause to believe that the person committed a felony or whether they commit a crime in the officer's presence. When a police officer may use a police officer is justified in using reasonable force if they reasonably believe that it is necessary to complete a legal arrest. A police officer is justified in using deadly force only if they: Have probable cause to believe it is necessary; Must prevent the commission of a forcible felony; or Should the arrest of a person whom the officer has probable cause to believe poses a threat of grievous bodily injury to someone (including the officer) and has given a warning (when feasible) to the person against whom the deadly force will be used. Related Statute(s) Indiana Code, Title 35. Criminal Law and Procedure Note: State laws are always subject to change through passage of new legislation, rulings in the higher courts (including federal decisions), ballot initiatives and other ways. While strive to provide the most available information, please consult an attorney or do your own legal research to verify the state law(s) you are investigating. Police Misconduct Laws and Claims in Indiana: Related Resources If You Want information and resources related to this topic, you can visit the links listed below. Questions about police misconduct laws and claims in Indiana? Ask a lawyer If you've had an encounter with police that you feel has crossed the line, it's best to get in touch with a local civil rights lawyer who will have experience with police misconduct laws and claims in Indiana. Contact a qualified attorney. After more than a decade of police departments acquiring even more powerful methods for looking at private lives, and amid ongoing concerns about bias in policing, the City Council of Berkeley, California, seeks to aggressively combat police surveillance by law. On March 27, it unanimously passed an ordinance broadly covering the city's acquisition and use of surveillance technologies. Say police or fire departments want to acquire a drone, then they're going to have to go to the City Council under this policy and get approval for this technology, and also include a policy that determines how police or fire department drones can use, Mayor Jesse Arreguin told Fast Company by phone. The law takes effect on April 29. Berkeley, where the City Council passed a landmark moratorium on drones in 2014, inspired in part by an ordinance passed by Santa Clara County, in the heart of Silicon Valley, in 2016. In 2016, after a group of residents there banded together against the police plans to buy a cellphone detection stingy device, the City Council created a transparent review process for the country's surveillance technology as part of what is considered the first such policy in the country. But Arreguin calls Berkeley's ordinance the strongest policy on the books — much stronger than Santa Clara County's, and appropriately so, because we've always been at the forefront of fighting for the protection of people's civil rights and civil liberties. Since 9/11, the federal government has snatched millions of dollars to local law enforcement for new policing technologies. The new Berkeley law creates a more transparent process for purchasing a fast-growing arsenal of surveillance gear, such as facial recognition equipment, Stingray cell site simulators, social media analytics software, license plate readers, and any equipment intended to collect audio, electronic, visual, location, thermal, olfactory, biometric, or similar information specifically related to, or able to be associated with. The ordinance also controls the extent to which this technology can be used, in order to balance citizen safety with concerns about civic freedoms. Under the new rules, any City Berkeley Department intends to obtain designated surveillance technology, first sending the City Council a report summarizing the technology, and how and for what purposes they intend to use it. The Department must also have its own developed from such devices. This information will be published on the City Council's agenda, any member of the public can attest to or offer their input. In addition, the law ensures that existing surveillance technology goes to the City Council for approval, and that there is annual reporting on that use. This process, Arreguin says, will provide an opportunity for the city to evaluate whether the technology is being used in a way that meets the policies that the city adopted. The city has said that it is not most of the surveillance systems targeted by the ordinance, and that it is already subservient to a public review and approval process for those who do. And the Berkeley Police Department said it already has protections in place to ban the sharing of data collected, for example, by its automated license plate readers. In Berkeley, police chief of police said that information is not shared with third parties, says Nash Sheard, the Grassroots advocacy organizer with the Electronic Border Foundation. Thus, these ordinances will allow the public to review the policies and ensure those things are in place in advance. Berkeley's law could become a template for other cities and states considering surveillance restrictions. Sheard points out that in the wake of Berkeley's law, the City of Davis, California, has just passed its own ordinance, such as Seattle, Nashville and Somerville, Massachusetts. Similar bills come for votes in Oakland and St. Louis, while a group in Evanston, Illinois, gets the ball rolling for a local surveillance law. Earlier this month, a California Oversight Transparency Act (SB 1186) passed by its first policy committee by a 5-1 vote. Sheard also insists local oversight is not purely a local issue. He points to the Bay Area Island Alameda, which recently launched a proposal to scan the license plates of every vehicle entering San Francisco from Oakland, and all those leaving the city as greater consequences. Alameda entered into a contract for scanners with Vigilant Solutions, which recently collaborated with U.S. Immigration and Customs Enforcement (ICE) to provide data on automotive locations. The city recently tabled the proposal over concerns the data could be sent to ICE agents. The Oakland Privacy Advisory Commission was also recently able to push back on accepting more license plate readers, at a time when concerns about ethnic bias and the use of police technology to target vulnerable groups are at a new peak. Cities need to be aware enough to have this usage policy, Sheard says. [They should] look at the contracts they sign with their third-party providers to make sure that they don't unintentionally create an opportunity for unsafe situations and risks to public safety, and instead protect the members of their own communities. Some Exceptions If the city's review process states that law enforcement violated the rule, it may then request that the using that particular technology ceases. As the city city to act within 90 days, then there is room for legal proceedings. The mayor's final proposal removed the possibility of any misdemeanor charges or penalties, and there is a \$15,000 cap on the attorney's fees that could seek a plaintiff from the city. The fundamental purpose of this policy is transparency, Arreguin says. It makes sure police don't secretly buy and use technology without disclosure, and that we have clear policy to govern the use of that technology. The final ordinance came together after the City Council heard public comment three hours earlier this month, then carefully adjusted its language to accommodate a range of concerns. But Berkeley's Police Review Commission began drafting the law in 2016, drawing help from the Electronic Frontier Foundation, the Council on Islamic Relations and Berkeley's Police Review Commission, as well as the American Civil Liberties Union. The ACLU will also offer a template in the form of its model anti-surveillance technology ordinance, known as CCOPS, or Community Control over police surveillance. [Below, a video from the Berkeley City Council's April 6 three-hour public discussion about the ordinance.] City agencies have also raised specific concerns throughout the law-writing process. The fire department became concerned that the proposal could limit the use of thermal imaging cameras during firefighting, while the police department was concerned about a possible negative impact on law enforcement investigations and the fear of individuals committing crimes in Berkeley. The city also expressed concern about the workload and personnel implications related to administering the proposed procurement, use, reporting and data-tracking requirements, according to a report by police and fire chiefs earlier this year, as reported by Berkeleyside. Some privacy advocates also criticized certain exceptions in the final ordinance. Now at least six technologies are excluded from the law, including City-issued mobile phones used by police officers in conjunction with body cameras, a technology regulated under the ordinance. Also excluded are cybersecurity capabilities, technology, and systems used by the City of Berkeley's Department of Information Technology. Jane Welford, executive secretary for SuperBOLD (Berkeleyans Organizing for Liberty Defense), and Gene Bernard, with Veterans For Peace East Bay Chapter 162, cited this change in a scathing op-ed. It essentially removes an entire department's involvement in oversight of review by the City Council. The law also carves out exceptions for emergencies. In lavish circumstances, it states, a city department can temporarily acquire or use a surveillance technology without first going through the steps outlined above. This means that a Berkeley city manager good faith conviction has that an emergency involving imminent danger of death or serious physical injury to any person, or danger of imminent danger significant property damage. This could be a terrorist threat, or a major threat to public safety, Arreguin explains. But if they intend to use them beyond those big circumstances, then they should come to the City Council for approval. Map of U.S. cities that have implemented the ACLU's CCOPS police surveillance standards, or where efforts are trying to implement them. [Map: ACLU] The ordinance has its roots both in Berkeley's landmark, but now-defunct 2014 moratorium on drones, as well as a privacy movement that began in the nearby city of Oakland. A planned surveillance network known as the Domain Awareness Center (DAC) that was originally conceived in 2013 and supported by federal anti-terror funding was initially approved by the City Council in 2013. But when the public learned of the details, the system drew a lot of opposition from privacy advocates and civil rights groups, Arreguin says. Which led to a privacy commission and then finally to the idea of developing a privacy policy. Originally approved as a surveillance network for the Port of Oakland, DAC's Phase II proposal would have expanded its reach to include the citywide fusion of public and private cameras and sensors from across the city, and at a cost of \$10.9 million. Eventually, the Oakland City Council voted to restrict DACs to its original Port of Oakland mission, removing the citywide ShotSpotter maps (gunshot detection and location mapping) and city traffic cameras from the hub. Oakland also demanded that any expansion of the program come before the Council. Sheard says that opposition to the city's surveillance system began in an Occupy Oakland working group, which developed into Oakland Privacy, one of the Bay Area's most active groups lobbying for privacy ordinances. The group helped found the Oakland Privacy Commission, which advises the City Council, and which credits Sheard with greatly reducing DAC's power and reach. In addition to surveillance ordinances, a number of lawmakers in East Bay cities are also proposing laws that would prevent companies like Vigilantes collecting data on immigrants and racial, ethnic and religious groups for ICE to do business with their cities as well. A proposal in Berkeley was tabled last month over concerns about how to implement the restrictions on investments, but another version of the ordinance is expected to return soon for a vote, according to the East Bay Express. There are also other efforts to bring more transparency to Berkeley's police department. State Senator Nancy Skinner (D-Berkeley), for example, is seeking to change state law to make police use of force records eligible for disclosure, along with records related to sexual assault or dishonesty. At the moment, those statistics are being withheld from disclosure based on officer staff's an argument cited by many police agencies, including the New York Police Department. Related: How will we take us The police? Despite the exceptions it carves out, Sheard notes that the language in the Berkeley surveillance ordinance helps govern the larger category of surveillance technology, not just specific types. It also addresses mission creep, moving a program's goals that go far beyond its original mandate. The ordinance states that there will need to be approval in the use of surveillance technology in a way that was not previously approved. Something we're not opposed to is the idea of smart cities, so being able to evaluate traffic patterns and make things move smoother, Sheard says. To have that technology in itself isn't problematic, but it may be when policies aren't in place to make sure that the technology, tools and equipment aren't then used in ways that aren't initially listed within the usage policies required by these ordinances.

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