

LEGAL AUTHORITY & PERFORMANCE

“What gave you the authority to do what you did?”

I reverse engineer everything from case law, circuit court decisions and your departments policies. Legal authority must be a part of the officer's thinking.

The goal is not to turn every coaching conversation into a legal examination. Whenever force was used, an item was seized or other action taken, it is an opportunity to confirm the officer knew they had the legal grounds (‘Reason’) for doing it (‘Thing’).

The goal is to understand:

What did the officer believe they were legally authorized to do, what facts supported that belief, and how did changing information affect that authority?

1. AUTHORITY TO CONTACT

Contact → Consensual Encounter → Detention

- What was the initial reason for the contact?
- What were you trying to accomplish?
- At what point, if any, did you believe the encounter became a detention?
- What facts caused you to make that transition?
- What was your legal basis for the detention?
- What information supported that belief?
- What information might have weakened it?
- What would have caused you to release the person?
- What would have caused you to escalate the encounter?

Pull

“What facts gave you the authority you believed you had at that moment?”

Florida's Stop and Frisk Law, F.S. 901.151, authorizes temporary detention when circumstances reasonably indicate that a person has committed, is committing, or is about to commit a criminal offense, and limits the detention to what is reasonably necessary for that purpose.

Federal anchor: *Terry v. Ohio*

2. SEARCH AUTHORITY

Before asking **“What did you find?”**, ask: **“Why did you believe you could look?”**

Questions

- What were you looking for?
- Why were you looking for it?
- What was your legal authority to search?
- What facts supported that authority?
- What was the scope of your authority?
- How did you determine the limits of the search?
- What would have caused you to stop searching?
- Did the purpose of the search change?
- If so, what changed your legal authority?
- Did you encounter something outside the original purpose or scope?
- What did you do with that new information?

Search ≠ Search

Ask: **“What type of search did you believe you were conducting?”**

Then: **“What legal doctrine authorized that particular search?”**

Potential federal/legal anchors include:

- Consent
- Terry / protective frisk
- Search incident to arrest
- Automobile exceptions
- Plain view
- Exigent circumstances

- Warrant
- Other recognized exceptions

Florida anchors include F.S. 901.21 and Chapter 933. F.S. 901.21 addresses searches incident to a lawful arrest and limits their purposes; Chapter 933 governs search and inspection warrants.

Federal anchors: *Terry*, *Chimel*, *Arizona v. Gant*, *Riley*, and applicable warrant/exception doctrine.

3. ENTRY ONTO PRIVATE PROPERTY

This deserves its own section because **“private property” is not a single legal category.**

Ask:

- What made you believe you could enter?
- Where exactly were you entering?
- Was it a home, business, curtilage, common area, vehicle, or other location?
- Who had authority over the location?
- Did you have consent?
- Did you have a warrant?
- If not, what exception did you believe applied?
- What facts made that exception applicable?
- What were you trying to accomplish by entering?
- What changed once you entered?
- What would have prevented you from entering?
- What would have caused you to leave?

Critical coaching question

“What gave you the legal authority to cross that threshold?”

Then: **“What facts did you have at that moment?”** Not what you learned afterward.

Florida

F.S. 901.19 addresses an officer's authority to enter a building or property to make an arrest after announcing authority and purpose when the statutory conditions are met.

Federal anchors: *Payton v. New York*, *Steagald v. United States*, and exigent-circumstances cases such as *Brigham City v. Stuart*.

4. ARREST AUTHORITY

Ask

- At what point did you believe you had probable cause?
- What facts established probable cause?
- What information were you relying upon?
- What changed between reasonable suspicion and probable cause?
- What crime did you believe had occurred?
- What facts connected this person to that crime?
- What information contradicted your belief?
- What would have caused you **not** to arrest?
- Once you decided to arrest, what were you trying to accomplish?

Then:

“What did you know at the moment you made the decision?”

This keeps the conversation grounded in the officer's actual decision environment rather than hindsight.

5. USE OF FORCE

Before discussing the amount of force:

Ask: “What problem were you trying to solve?”

Then:

- What were you trying to accomplish?
- What threat or resistance did you perceive?

- What information led you to that perception?
- What alternatives did you perceive?
- What made you choose this response?
- What did you expect the person to do?
- What did you expect your force to accomplish?
- What changed once force was used?
- What told you that the force was working?
- What told you it was no longer necessary?
- What caused you to increase, decrease, or stop force?
- Was there a point where the situation changed faster than your response?
- How did you detect that change?

The key question

“What facts made the level of force you chose reasonable to you at that moment?”

Then:

“What facts, if they had been different, might have changed your decision?”

Florida F.S. 776.05 addresses law-enforcement use of force in making an arrest, including force the officer reasonably believes necessary to defend the officer or another from bodily harm while making the arrest.

Federal anchor: *Graham v. Connor* — the Fourth Amendment reasonableness analysis looks at the totality of the circumstances, rather than evaluating force in isolation or purely with hindsight.

For deadly force, add:

Federal anchor: *Tennessee v. Garner*.

6. DEADLY FORCE / HIGH-CONSEQUENCE DECISIONS

For these situations, the supervisor's role is not to conduct an informal legal ruling.

The conversation should reveal the officer's **perception, prediction, decision, and legal reasoning**.

Ask:

- What threat did you perceive?
- What facts supported that perception?
- What did you believe was about to happen?
- What alternatives did you perceive?
- What made you believe deadly force was necessary?
- What information was changing?
- What did you do with that information?
- What told you the threat remained?
- What told you the threat had changed or ended?
- What caused you to stop or continue?
- What information would have changed your decision?

Ask:

“Walk me through how you determined that deadly force was necessary.”

7. ENTRY + SEARCH + FORCE

When several authorities overlap, slow the conversation down.

Ask:

ENTRY

“What gave you authority to enter?”

DETENTION

“What gave you authority to detain?”

SEARCH

“What gave you authority to search?”

ARREST

“What gave you authority to arrest?”

FORCE

“What made the force reasonable and necessary at that point?”

CONTINUED ACTION

“What told you that your authority and need to act continued?”

This helps prevent the common error of treating one lawful action as automatically authorizing everything that follows.

8. LEGAL AUTHORITY AS A LEARNING LOOP

Legal reasoning can be examined through the same loop.

PERCEIVE

What did you observe?

↓

ATTEND

What information were you focusing on?

↓

SENSE-MAKE

What did those facts mean to you?

↓

LEGAL AUTHORITY

What did you believe the law allowed you to do?

↓

PREDICT

What did you expect would happen?

↓

DECIDE

What did you choose to do?

↓

ACT

What did you actually do?



DETECT

What told you your understanding or action was working—or wasn't?



ADAPT

What did you do with the new information?

9. LEGAL AUTHORITY + THING & REASON

When reviewing an outcome, ask three questions:

THE THING

What did you do?

THE REASON

Why did you do it?

THE AUTHORITY

What gave you the legal authority to do it?

Then:

“What facts supported that authority?”

And:

“What facts would have changed it?”

This is where **Thing & Reason** becomes especially valuable.

At the end of the conversation the supervisor should be able to distinguish:

Bad outcome + sound legal reasoning

from

Good outcome + unsound legal reasoning

from

Poor legal reasoning + poor decision

from

Sound legal reasoning + poor execution

Those are different performance problems and require different coaching.

10. THE LEGAL “WHAT WOULD CHANGE YOUR MIND?” QUESTION

One of the most powerful questions a supervisor can ask:

“What information, if you had received it one second earlier, would have changed what you did?”

Then:

“What information would have changed your legal authority?”

And finally:

“How could you get better at recognizing that information earlier?”

This moves legal training away from memorizing rules and toward **adaptive application under changing conditions**.

SUPERVISOR'S LEGAL COACHING CHECK

Before ending the conversation:

- ☐ Did I understand what the officer believed was happening?
- ☐ Did I understand what facts they were relying upon?
- ☐ Did I understand their legal authority?
- ☐ Did I ask what supported that authority?
- ☐ Did I ask what could have changed that authority?
- ☐ Did I separate **lawfulness/authority** from **performance/execution**?
- ☐ Did I avoid judging the decision solely from hindsight?
- ☐ Did I help the officer identify what they will recognize or do differently next time?
- ☐ Did I Pull before I Pushed?

Don't just ask: "Was it legal?"

Ask: "What did you believe the law allowed you to do, what facts supported that belief, and how did you adapt as those facts changed?"

Jeff Johnsgaard

Email: Jeff@OnPurpose.Training

Website: www.OnPurpose.Training



TRAINING
ON PURPOSE, BY DESIGN