

Note: Refer to #6 on the *Legend of Recommendations* for an explanation of the strikeout/underline Xs.

**TRAINING AND TESTING
SPECIFICATIONS FOR LEARNING DOMAIN #16
SEARCH & SEIZURE**

January 19, 2007 July 1, 2008

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X		X	<u>X</u>		X	X
X			X		X	X
X			X		X	X
X			X		X	X

I. LEARNING NEED

Peace officers must have a clear understanding of their authority, responsibility, and potential for liability in the areas of search and seizure law, as well as the protections provided by constitutional law, statutory law, and case law against unreasonable searches and seizures.

LEARNING OBJECTIVES

- A. Recognize constitutional protections guaranteed by the Fourth Amendment
- B. Identify the concept of reasonable expectation of privacy
- C. Recognize standing and how it applies to an expectation of privacy
- D. Recognize probable cause to search and its link between Fourth Amendment protections and search and seizure law
- E. Recognize how the exclusionary rule applies to a peace officer's collection of evidence

II. LEARNING NEED

To search for and seize evidence legally, peace officers must know the rules and requirements for obtaining and executing a search warrant.

LEARNING OBJECTIVES

- A. Recognize how probable cause serves as a basis for obtaining a search warrant
- B. Recognize ~~appropriate actions~~ the necessary conditions for securing an area pending the issuance of a search warrant (1)
- C. Identify the time limitations for serving a search warrant

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	832	III	II	I	SIBC	
X			X		X	X
X			X		X	X
X		X	X		X	X
X		X	X		X	X
X	X	X	X		X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X

- D. Recognize the elements for compliance with the knock and notice requirements when serving a search warrant
- E. Recognize the ~~Nexus Rule~~ application of the Nexus Rule while conducting an authorized search (1)

III. LEARNING NEED

~~Although warrantless searches and seizures are presumptively illegal, w~~When certain conditions are met, officers may lawfully search and seize evidence without a search warrant. For evidence to be admissible at trial, officers must have a clear understanding of the legal requirements for ~~these conditions~~ warrantless searches. (1)

LEARNING OBJECTIVES

- A. Recognize why a plain view seizure does not constitute a search
- B. Recognize the legal requirements for seizure of items in plain view
- C. Recognize the conditions and circumstances where warrantless searches and seizures are considered reasonable and legal
- D. Recognize the scope and necessary conditions for conducting the following types of warrantless searches:
 1. ~~Cursory/frisks/pat searches~~ (2)
 2. Consent searches
 3. Searches pursuant to exigent circumstances
 4. Searches incident to arrest
 5. Probation/parole searches

IV. LEARNING NEED

The Fourth Amendment’s protection against unreasonable searches and seizures extends to a person’s vehicle and property inside the vehicle. However, the courts have created several exceptions to the Fourth Amendment’s warrant requirement because of ~~a motor vehicle’s potential mobility and reduced expectation of privacy~~ the potential mobility of a motor vehicle. (1)

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X	X	X	✘		X	X
X	X	X	✘		X	X
X	X	X	✘		X	X
X	X	X	✘		X	X
X	X	X	✘		X	X
X	X	X	✘		X	X
✘	✘	✘	✘		✘	✘
<u>X</u>	<u>X</u>	<u>X</u>			<u>X</u>	<u>X</u>
X	X	X	✘		X	X
X	X	X	✘		X	X
X	X	X	✘		X	X
X	X	X	✘		X	X
X	X	X	✘		X	X
X	X	X	✘		X	X

LEARNING OBJECTIVES

- A. Recognize the scope and necessary conditions for conducting the following types of motor vehicle searches:
 - 1. Probable cause searches
 - 2. Seizures of items in plain view
 - 3. Protective searches
 - 4. Consent searches
 - 5. Searches incident to custodial arrest
 - 6. Instrumentality searches
 - 7. ~~Vehicle inventories (11)~~
- B. Recognize the scope and necessary conditions for conducting a vehicle inventory(11)

V. LEARNING NEED

Peace officers must recognize when a search or the seizure of evidence involves intrusion into a subject's body, ~~a~~ Special care must be taken to balance the subject's reasonable expectation of privacy under the Fourth Amendment against the government's need to collect evidence. (1)

LEARNING OBJECTIVES

- A. Recognize the legal framework establishing a peace officer's authority to seize physical evidence from a subject's body:
 - 1. With a warrant
 - 2. Without a warrant
- B. Recognize conditions under which a peace officer may use reasonable force to prevent a subject from swallowing or attempting to swallow evidence
- C. Recognize the conditions necessary for legally obtaining blood samples
- D. Recognize the conditions for legally obtaining the following ~~nonintrusive bodily~~ evidence: (1)
 - 1. Fingerprints

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X	X	X	X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	
X					X	
X				X	X	
		X				
			X			
	X					
						X
X			X		X	

2. Handwriting samples

VI. LEARNING NEED

Peace officers must be aware of a person's the due process rights that protect against impermissible suggestiveness when conducting any procedure involving a subject's identification. (1)

LEARNING OBJECTIVES

- A. Identify the importance of a peace officer's neutral role during an identification procedure
- B. Identify officer actions before, and during, and after an identification procedure to prevent impermissible law enforcement suggestiveness when conducting a: (1)
 - 1. Field show-up
 - 2. Photographic spread
 - 3. Custodial lineup

VII. REQUIRED TESTS

- A. The POST-Constructed Knowledge Test on the learning objectives in Domain #16.
- B. The POST-Constructed Comprehensive Mid-Course Proficiency Test ~~will include learning objectives in Domain #16.~~ (1)
- C. The POST-Constructed Comprehensive End-of-Course Proficiency Test ~~will include learning objectives Domain #16.~~ (1)
- D. The POST-Constructed Comprehensive Module III End-of-Course Proficiency Test. (8)
- E. The POST-Constructed Comprehensive Module II End-of-Course Proficiency Test. (8)
- ~~F.~~ The POST-Constructed PC 832 Arrest Written Test ~~will include learning objectives in Domain #16.~~ (1)
- ~~G.~~ The POST-Constructed Comprehensive Test for the Requalification Course ~~will include learning objectives in Domain #16.~~ (1)

VIII. REQUIRED LEARNING ACTIVITIES

- A. The student will participate in one or more learning activities from the POST-developed *Instructor's Guide*

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X			X		X	
X			X		X	
X			X		X	
12	3	5 4	8		12	8

to *Learning Activities for Leadership, Ethics and Community Policing* (~~December 2005~~) or other comparable sources regarding search & seizure. At a minimum, each activity or combination of activities must address the following topics: (13)

1. Examples of resources within a community that may help an officer establish probable cause to obtain a search warrant
2. Fairness, trustworthiness and respect as it relates to duties performed by an officer during searches and seizures
3. Ability to balance officer safety with the protection of individual rights and the preservation of property
4. Legal and agency policy issues

IX. HOURLY REQUIREMENTS

Students shall be provided with a minimum number of instructional hours on search and seizure.

X. ORIGINATION DATE

January 1, 2001

XI. REVISION DATE

October 1, 2001
 January 1, 2002
 January 1, 2004
 September 15, 2004

January 1, 2006
 January 19, 2007
July 1, 2008