

# Tabletop Exercise

## Cleveland Division of Police



**Course Date:** 2021

**Current Revision Date:** 8-6-2021

**Course Hours:** 1 Hour and 20 minutes

**Module Goal:** Through tabletop exercises and class discussion, officers will understand, cross reference and apply search and seizure General Police Orders

## REFERENCES

Cleveland Division of Police GPO Search and Seizure 2.01.02

Cleveland Division of Police GPO Investigatory Stops 2.02.01

Cleveland Division of Police GPO Probable Cause / Warrantless Arrest 3.04.01

Cleveland Division of Police GPO Miranda Warning and Waiver 2.02.03

## COURSE MATERIALS

### TEACHING AIDS

  X   Erasable Board/Markers

  X   Easel/Notepads

  X   Lectern/Table

  X   Other:

       Student Handouts

### INSTRUCTIONAL TECHNIQUES

  X   Lecture

  X   Group Discussion

  X   Demonstration

  X   Scenario-based Training

       Individual Exercise

       Hands-on Techniques

  X   Problem Solving

## LEARNING OBJECTIVES

At the end of this topic, the student will be able to:

1. Write answers to a tabletop exercise applying the appropriate search and seizure response from the General Police Order
2. Write answers to a scenario-based exercise applying Cleveland Division of Police search and seizure General Police Orders

## I. Lesson Plan

### A. Introduction

A. The lead instructor, a member of the Cleveland Division of Police Training Section, will explain the parameters of the tabletop exercise.

B. The instructor will advise the class:

1. That they will be separated into groups of 4 to 6 officers
2. Students will work together to answer the questions provided to them in the two exercises
3. That each question must be answered before moving on to the next question and that each question builds upon the previous question
4. That they should use the Search and Seizure GPO as a guide to answer the questions
5. After they have completed the exercise they will share their answers with the entire class
6. To respect everyone's answers
7. They will have approximately 30 minutes to complete the exercise

#### Instructor Notes

1. Split into groups, do not allow students to choose their groups
2. Handout the exercise#1
3. Walk the room to ensure the groups are on task
4. Be prepared to answer questions from the groups but do not provide answers
5. After 30 minutes bring the class back together and conduct a large group discussion using the instructor key and questions
6. If students provide the correct response, re-emphasize the policy and anchor the student officer responses to information provided in the lesson plan.
7. If the student officer disagrees with you, ask them to explain the responses and anchor the responses with the information provided in the lesson plan.

<p><b>B. Tabletop Exercise #1</b></p> <p><b>A. Instructor</b> - read the scenario</p> <ol style="list-style-type: none"> <li>1. It is 1500 hrs. on June 5, 2020. You are assigned to a two-person zone car, patrolling a zone that you are frequently assigned.</li> <li>2. As you drive past the Gas-n-Go located at 12503 Arlington, you observe 2 males and 1 female standing near the doorway.</li> <li>3. Your partner reminds you the store owner, Steve, frequently calls the non-emergency line reporting loitering and males drinking alcohol in his parking lot.</li> <li>4. You also note that yesterday, you witnessed the same group of males, standing outside the store drinking alcohol from a bottle wrapped in a brown bag             <ol style="list-style-type: none"> <li>i. You did not issue any citations to the individuals yesterday. You did warn the individuals that if they were caught drinking in public again, you would issue formal citations.</li> </ol> </li> <li>5. There are no cars at the gas pumps.</li> </ol> <p><b>B. Instructor question to the class.</b> <i>Can you conduct an investigatory stop on the individuals in the scenario? Please explain your answer.</i></p> <ol style="list-style-type: none"> <li>a. The expected answer is “no”, however, if a student officer answers “yes”, ask them to explain then provide them the following information             <ol style="list-style-type: none"> <li>i. Officers shall not conduct investigatory stops unless they have developed the necessary reasonable suspicion or probable cause.</li> <li>ii. An individual’s unwillingness to engage or cooperate with the police, choosing not to answer questions, or ignore police is not a sole basis for reasonable suspicion.</li> </ol> </li> </ol> <p><b>C. Instructor question to the class.</b> <i>If you cannot perform an investigatory stop, can you perform a consensual encounter? Please explain your answer.</i></p> <ol style="list-style-type: none"> <li>a. The expected response is “yes,” however if a</li> </ol>	<p><b>Search and Seizure GPO 2.02.02</b></p>
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student officer states “no”, ask them to explain their response and anchor their response with the following information

- i. A voluntary encounter between the police and an individual with the intent of engaging in casual and/or non-investigative conversation.
- ii. A reasonable person in the individual’s position would feel free to leave and/or decline any of the officer’s requests at any point

**D. Instructor question to the class.** *Assuming you performed a consensual encounter, what would convert a consensual encounter into a seizure? Please explain your answer*

1. Provide correct answers below for those who answered incorrectly and to anchor the knowledge of students who provided the correct answers
  - i. Blocking the individual’s vehicle or freedom to move
  - ii. Physical contact with the individual, that a reasonable person would believe is restricting their movement. Not incidental contact during an encounter
  - iii. The officer’s language or tone of voice indicating that compliance with the officer’s requests is required
  - iv. Display of a weapon
  - v. Display of official police vehicle indicators such as signals of flashing, oscillating, or rotating lights
  - vi. Officers shall be aware that a youth may not feel free to leave when adults in the same circumstances would feel free to leave
  - vii. Number of officers present

**E. Instructor - read the next portion of scenario #1**

<p>1. You decide to drive into the gas station, as you pull in, you notice one of the males putting a brown paper bag behind the dumpster</p> <p>2. You exit your zone car and initiate a consensual encounter</p> <p><b>C. Instructor question to the class.</b> <i>If the individual walks away, can you stop them? Please explain your answer</i></p> <p>1. The anticipated response is “no”, however if a student officer answers “yes”, anchor the answer with the information provided below:</p> <ul style="list-style-type: none"> <li>i. At this moment, you have no reasonable articulable suspicion that the male committed a crime</li> <li>ii. The inquiry into whether an individual would feel free to leave and/or decline any of the officer’s requests at any point is an objective one,</li> <li>iii. Depending on all the circumstances surrounding the contact between an officer and an individual</li> <li>iv. During a consensual encounter, an order given by a law enforcement officer may convert the consensual encounter into a seizure</li> </ul> <p><b>D. Instructor question to the class.</b> <i>Can you perform a Terry pat down on the individuals in this scenario at this time? Please explain your answer</i></p> <ul style="list-style-type: none"> <li>a. Facilitate discussion</li> <li>b. At this point there is no reasonable articulable suspicion that these individuals may be armed and dangerous</li> </ul> <p><b>E. Instructor question to the class.</b> <i>Would you activate your WCS? Please explain your answer</i></p> <ul style="list-style-type: none"> <li>a. Answers will vary, anchor student answers with the following information:</li> </ul>	<p><b>(WCS GPO 04.06.04)</b></p>
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- i. Activating your WCS is not mandatory during a consensual encounter,
- ii. The WCS serves as a tool to promote transparency and should be used in this circumstance.
- iii. Given the circumstances in the scenario, it is a good idea to activate your WCS
- iv. Officers shall place their WCS into event mode during other contacts with the public that may or does become adversarial

**F. Instructor question to the class.** *Assuming you ask the individuals questions, what if they refuse to answer? Please explain your answer.*

- a. Expected responses may include:
  - i. There is no legal justification for a stop
- b. The individuals cannot be ordered or compelled to provide answers to questions
- c. If responses include:
  - i. Raise your tone or keep asking, anchor those responses with the information below and remind student officers what converts a consensual encounter into a seizure

**G. Instructor - read the next portion of the scenario #1**

- 1. You are having a brief casual conversation with the individuals
- 2. You notice a half empty bottle of alcoholic beverage in a brown paper bag behind the dumpster where you saw the male set something down
- 3. You ask one of the group if they know anything about the alcoholic beverage. The male seen placing it there tells you it is a Budweiser that he bought from the store and he is drinking it

**H. Instructor- question to the class.** *Is this still a consensual encounter? Please explain your answer*

<ul style="list-style-type: none"> <li>a. Expected response is “no”, however allow the group to discuss and facilitate.</li> <li>b. Anchor the information you receive from student officers with the information below: <ul style="list-style-type: none"> <li>i. This is no longer a consensual encounter, the male admitted to drinking the alcohol and the officer may cite him</li> <li>ii. This will require the male to produce identification</li> <li>iii. An officer may conduct an investigative stop of an individual after identifying themselves as a Cleveland Police Officer,</li> <li>iv. If they have reasonable suspicion that the individual has committed, is committing, or is about to commit an offense</li> </ul> </li> </ul> <p><b>I. Instructor- question to the class. What do you do now?</b></p> <ul style="list-style-type: none"> <li>a. When feasible and as early in the contact as safety permits, officers shall inform the subject of the following: <ul style="list-style-type: none"> <li>i. The officer’s last name and badge number.</li> <li>ii. The fact that the officer is a Cleveland Police Officer.</li> <li>iii. The reason for the stop.</li> <li>iv. The fact that the stop is being recorded, if applicable</li> <li>v. During the stop officers may offer further explanation of the circumstances and reason for stop</li> <li>vi. Officers will not extend a detention unreasonably to explain the stop.</li> </ul> </li> </ul>	<p><b>WCS GPO 4.04.06</b></p>
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- vii. Wherever time and circumstances permit, officers shall listen to the individual and answer any reasonable questions that the individual has relating to the interaction

**J. Instructor- question to the class.** *Can you request identification from the other individuals on scene? Please explain your answer*

- a. Answers will vary
- b. The correct response is “yes”, you can request ID from other individuals on scene
- c. Advise students a reasonable person would not abandon their identification or feel free to leave, therefore asking for ID may convert a consensual encounter into a seizure
- d. Advise students they can ask for ID, any action other than writing the information down and returning the ID may convert to seizure
- e. In this scenario, any person besides the male in question can lawfully refuse to produce ID

**GPO 3.3.14**

**K. Instructor- question to the class.** *What if they refuse to produce their ID? Can you order them to? Explain your answer.*

- a. The correct answer is “no”, there is no legal justification to compel a citizen without reasonable suspicion or probable cause that the person is, has, or will be committing a crime to give police their ID

**L. Instructor - read the next portion of the scenario #1**

- A.** The other two individuals in the scenario walk away from the scene.
- B.** You request the identification from the male who had the open container.
- C.** He provides his identification, and because, yesterday you issued this male a verbal warning, you decide to

***Instructors should familiarize themselves with current Divisional notices involving COVID related arrests***

<p>write him a citation</p> <p><b>M. Instructor- question to the class.</b> <i>What else do you need to do before issuing the citation?</i></p> <ul style="list-style-type: none"> <li>a. Members shall conduct a warrant check on individuals cited for traffic or minor misdemeanor violations.</li> <li>b. Officers shall arrest, or if applicable, advise and release the individual.</li> </ul> <p><b>N. Instructor- question to the class.</b> <i>If you did not activate your WCS, would you have done so now? Explain your answer</i></p> <ul style="list-style-type: none"> <li>a. At this point, your WCS should be activated</li> <li>b. Anchor with the below information: <ul style="list-style-type: none"> <li>i. Prior to responding to all calls for service and prior to all investigative or enforcement contacts with the public, place their WCS into event mode, including but not limited to: <ul style="list-style-type: none"> <li>i. Calls for service</li> <li>ii. Traffic stops</li> <li>iii. Arrests</li> <li>iv. Searches</li> <li>v. Interviews</li> <li>vi. Pursuits</li> <li>vii. Prisoner/citizen transports</li> <li>viii. Any situation an officer believes captured media may be of use</li> </ul> </li> </ul> </li> </ul> <p><b>O. Instructor-Question to the class,</b> <i>define police discretion and example how, if any, you will exercise it in this scenario</i></p> <p><b>A.</b> <i>Answers will vary, anchor answers with the below</i></p>	<p><b>OPOTA 8-5 Stops and approaches</b></p>
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<p><i>information</i></p> <p>B. <i>Discretion is an option available when peace officers need to choose how the law is enforced</i></p> <p>C. <i>Improper use can create problems for the officer and his/her agency</i></p> <p>D. <i>Will the negative outweigh the positive?</i></p> <p style="padding-left: 40px;">i. <i>What effect may this have on future community relations?</i></p> <p style="padding-left: 40px;">ii. <i>What effect may this have interactions with the subject? What about the store owner?</i></p> <p><b>P. Instructor - read the next portion of the scenario #1</b></p> <p>A. You begin issuing the citation to the male. When you check his name you recall 2 months ago you arrested this same male for illegally carrying a concealed weapon and domestic violence.</p> <p>B. The male was calm and cooperative but now appears nervous and sweaty. The male is pacing around and frequently reaching into his jacket pocket.</p> <p><b>Q. Instructor- question to the class. Can you perform a "Terry" pat down of the individual? Explain your answer</b></p> <p>a. Answer will vary, facilitate discussion in the class and anchor discussion with information provided here</p> <p style="padding-left: 40px;">i. A "Terry Stop" is a brief, minimally intrusive detention of an individual, including the occupants of a vehicle, during which a reasonable individual in his/her position would not feel free to leave</p> <p style="padding-left: 40px;">ii. As defined in Terry v. Ohio, 392 U.S. 1: To justify a stop the officer must have reasonable suspicion that the stopped individual has, is, or is about to engage in criminal conduct.</p> <p style="padding-left: 40px;">iii. The stop must be based on specific, objective, articulable facts that the officer knew before</p>	<p><b><i>Have officers articulate the reasonable suspicion that led them to that conclusion</i></b></p>
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<p>the stop.</p> <ul style="list-style-type: none"> <li>iv. Information learned during a stop may lead to additional reasonable suspicion or probable cause that a crime has occurred, but it cannot serve as justification for the original stop.</li> <li>v. During an investigatory stop, officers who develop articulable reasonable suspicion that an individual may be armed and dangerous</li> <li>vi. May perform a “Terry” pat down of an individual in accordance with the United States Supreme Court’s Terry v. Ohio ruling</li> </ul> <p>b. In this scenario, officers may conduct a pat down</p> <p><b>R. Instructor- question to the class.</b> <i>Assuming you can conduct a “Terry” pat down, what areas will you be patting down?</i></p> <ul style="list-style-type: none"> <li>a. Answers may include all areas on the person or the pockets</li> <li>b. Allow the class to discuss, anchor with the below information</li> <li>c. A Terry pat down consists of the officer touching or patting areas: <ul style="list-style-type: none"> <li>i. Limited to outer clothing, on the suspected person capable of concealing an accessible weapon</li> <li>ii. (Pockets, waistline, neckline, ankles).</li> </ul> </li> </ul> <p><b>S. Instructor- question to the class.</b> <i>What is your reasonable articulable suspicion?</i></p> <ul style="list-style-type: none"> <li>a. The person’s actions <ul style="list-style-type: none"> <li>i. Male appears nervous and sweaty</li> <li>ii. Pacing</li> <li>iii. Frequently reaching into his jacket pocket</li> <li>iv. Known to conceal weapons illegally</li> </ul> </li> </ul>	
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Instructor survey the class, using all the facts given to us so far, how can we articulate this reasonable suspicion?

Answers will vary, should be similar to: “The subject was frequently reaching into his pocket, which, when combined with his known history of carrying an illegal firearm, appeared consistent with someone checking a weapon. This led me to believe that the subject was armed and dangerous

***THIS IS THE KEY:  
immediately  
apparent***

**T. Instructor - read the next portion of the scenario #1**

- A.** You complete your pat down of the outer garments, you do not find any weapons. You do feel a small bag in the male’s pocket

**U. Instructor- question to the class.** *Can you reach into the pocket and take the bag? Explain your answer*

- a. An officer may seize an object while conducting a limited search during a permitted pat down/frisk
- b. If its nature as contraband is immediately apparent by feel, and without manipulation of any objects
- c. The key is manipulation - you cannot manipulate the object
- d. Unless it is apparent to you it is contraband, only then can you remove it
- e. Always be mindful of boilerplate language (i.e., training and experience)
- f. Be prepared to cite specific training and experience that you have received that would lead you to believe that the item was contraband.

- g. If an officer can articulate to the instructor it was apparent to them that it was narcotics, the correct answer is yes
- h. However, the instructor should be mindful of boilerplate language. If a student officer states “training and experience” as a reason, have them cite their training and experience

**V. Instructor- question to the class.** *Can you ask for a consent search? Explain your answer*

- a. If the answer is “yes”, anchor the class discussion with the below information:
  - i. Where an officer seeks consent for a search, the officer shall inform the person, in an age appropriate manner of his or her right to refuse and to revoke consent at any time.
  - ii. A person’s consent to search shall be documented using their Wearable Camera System (WCS).
  - iii. Officers must ensure that an individual is consenting to the search voluntarily. Officers shall consider the age, intelligence, education, and authority of the person providing consent.
  - iv. Officers shall not physically or mentally coerce, threaten or exploit an individual in order to gain consent for a search.

**W. Instructor - read the next portion of the scenario #1**

- a. While conducting the Terry frisk, the male says he has crack cocaine in his pocket and gives you consent to retrieve it.
- b. You take a small bag containing white powder and what appears to be crack cocaine from his pocket

**X. Instructor- question to the class.** *What arrest procedures do we need to complete? Explain your answer*

- a. This should be a robust discussion, facilitate discussion and anchor with the information below:



<p>b. Miranda warnings</p> <p>c. Custodial search of the male</p> <p>d. Handcuff, double lock and place into the back seat of the zone car</p> <p>e. Secure suspected narcotics evidence</p> <p>f. Book and house the male at County Jail</p> <p>g. Complete reporting requirements</p> <p>h. Mark, tag and enter suspected narcotic evidence</p> <p><b>Y. Instructor- question to the class.</b> <i>Assuming you did not do so already, when are you going to read the male his Miranda Warnings? Please explain your answer</i></p> <p>a. Miranda should be read prior to the custodial search</p> <p>b. Anchor any discussion with the information below:</p> <p>i. The Miranda warning is required by Miranda v. Arizona, 384 U.S. 436 (1966), and applies only to sworn police officers who will be questioning or interrogating a subject who is in custody</p> <p>ii. Officers shall provide the Miranda warning when both of the following criteria are met:</p> <p style="padding-left: 40px;">i. A suspect is in custody AND</p> <p style="padding-left: 40px;">ii. The officer is to question or interrogate the suspect about any crime</p> <p style="padding-left: 40px;"><b>Instructor - read the next portion of the scenario #1</b></p> <p>B. After he is read his Miranda warnings, you perform a custodial search of the subject and find no other property.</p> <p>C. You place handcuffs on him, place him in the back of</p>	
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<p>the zone car and place the evidence into a container to store it</p> <p><b>Z. Instructor- question to the class.</b> <i>What charge or charges will you be booking the male under?</i></p> <ul style="list-style-type: none"> <li>a. Violation of state drug law 2925.11 (A) <ul style="list-style-type: none"> <li>i. No person shall knowingly obtain, possess, or use a controlled substance or a controlled substance analog.</li> </ul> </li> <li>b. Open container (GPO 3.4.19) <ul style="list-style-type: none"> <li>i. Cleveland Codified Ordinance 617.07</li> </ul> </li> </ul> <p><b>AA. Instructor- question to the class.</b> <i>What will you do with the narcotic evidence?</i></p> <ul style="list-style-type: none"> <li>a. After the booking and handling process, transport narcotic evidence to the district/unit and enter into evidence – sealed in a serialized property bag</li> <li>b. Seal the alcoholic beverage with tape and enter the property into evidence</li> </ul> <p><b>BB. Instructor will say</b> - The male was booked and housed at Cuyahoga County Jail and this concludes Exercise #1</p> <p><b>CC. Instructor</b> - ask the class if anyone has questions</p> <ul style="list-style-type: none"> <li>A. Answer any questions that students have</li> <li>B. Reference anchor points presented during exercise. If not addressed, refer to Training Section supervisor for further review.</li> </ul> <p><b>DD. Instructor</b>-Ask the class, what are the reporting requirements for this scenario?</p> <p><b>EE. Anticipated responses</b></p> <ul style="list-style-type: none"> <li>A. FBR Report</li> <li>B. Enter evidence into property</li> <li>C. Stop data collection from particularly describing the</li> </ul>	
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reason for the stop

#### IV. Tabletop Exercise #2

**Instructor Notes:**

1. Collect scenario #1.
2. Distribute scenario #2,
3. Advise student officers not to open packet until told to do so.
4. Advise students to complete scenario #2 the same way they did with scenario #1

**FF.Instructor - read the scenario**

1. While working a two-person zone car, you receive a radio assignment to respond to 15500 Lakeshore Apt #2 for a domestic violence incident in progress.
2. You activate your WCS – Prior to responding
3. Upon arriving on scene, you walk upstairs to apt #2 and meet Mrs. Andrews who is crying, visibly shaking and has a swollen left eye.

**GG. Instructor- question to the class. *What questions are you going to ask Mrs. Andrews?***

1. Responses will vary, anchor the discussion with the information below
2. What happened?
3. What happened to your eye?
4. Is the suspect on scene?
5. What is the suspect wearing?
6. Do you need EMS?
7. The person that did this, are they a relative or someone that you know?
8. Do you feel safe staying here?

<p>HH. Mrs. Andrews tells you her husband Donald Robinson is intoxicated. She explained that he became very upset when she refused to go buy him more alcohol.</p> <p>II. She explains after she refused to go buy more alcohol, he punched her in the eye and left the house.</p> <p>JJ. Mrs. Andrews further explains that Donald has done this before and was arrested last year for Domestic Violence. Mrs. Andrews refuses EMS.</p> <p>KK. <b>Instructor- question to the class.</b> <i>What actions will you take from here?</i></p> <ol style="list-style-type: none"> <li>1. Provide correct answers below for those who answered incorrectly and to anchor the knowledge of students who provided the correct answers. <ol style="list-style-type: none"> <li>a. Collect information for a report</li> <li>b. Request a supervisor to respond to the scene and collect photo evidence of the scene and victims injuries</li> </ol> </li> </ol> <p><b>LL.Instructor - read the next portion of scenario #2</b></p> <ol style="list-style-type: none"> <li>A. Mrs. Andrews informs you that her husband, Donald, went to his friend's house located across the street.</li> <li>B. The address is 15501 Lakeshore. This is the home of Donald's close friend Larry.</li> <li>C. Mrs. Andrews tells you she received a text message from Donald stating he will be there for several hours.</li> </ol> <p>MM. <b>Instructor- question to the class.</b> <i>What actions will you now take?</i></p> <ol style="list-style-type: none"> <li>A. Answers below, be prepared for various responses.</li> <li>B. Provide correct answers for those who answered incorrectly and to anchor the knowledge of students who provided the correct answers <ol style="list-style-type: none"> <li>a. Request backup</li> <li>b. Call a supervisor</li> </ol> </li> </ol>	<p><b>GPO 2.02.02 E2</b></p>
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<p>c. Walk to Larry's house</p> <p><b>NN. Instructor - read the next portion of scenario #2</b></p> <ol style="list-style-type: none"> <li>1. With the help of another two-person zone car, you drive to Larry's house</li> <li>2. After knocking on the door, a male answers. The male states his name is Larry and states that Donald is inside</li> <li>3. He states Donald is not coming to the door and you are not allowed in. Larry's girlfriend, Shelly comes to the door and states you can come in if you would like</li> <li>4. Both parties are currently present. Your backup car goes to the rear of the house, ensuring that you have all exits covered by officers</li> </ol> <p><b>OO. Instructor- question to the class. Can you go into the house with the consent from the girlfriend? Please explain your answer</b></p> <ol style="list-style-type: none"> <li>1. The correct response is "no"</li> <li>2. Provide correct answers for those who answered incorrectly and to anchor the knowledge of students who provided the correct answers <ol style="list-style-type: none"> <li>a. Consent to search is not allowed if one cohabitant (roommate) or business partner objects to the consent, even if the other person gives permission. Consent must be given by <b>both</b> people if present</li> <li>b. Officers may enter a residence without a warrant to make a warrantless arrest <ol style="list-style-type: none"> <li>i. when officers reasonably believe the person is within the residence at the time of entrance <b>and:</b></li> <li>ii. Consent to enter the residence is given by a person who shares access and control of the premises</li> </ol> </li> </ol> </li> </ol>	<p><b>GPO 2.02.02 III, D</b></p> <p><b>(GPO 2.02.02 III, D)</b></p>
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<p>c. The burden is on the officer to ascertain whether the person granting access has the right to give permission</p> <p><b>PP. Instructor- question to the class.</b> <i>Assuming you cannot go into the house can you threaten to get a search warrant if they don't consent?</i></p> <ol style="list-style-type: none"> <li>1. The correct response is no.</li> <li>2. Provide correct answers below for those who answered incorrectly and to anchor the knowledge of students who provided the correct answers <ol style="list-style-type: none"> <li>a. Officers shall not physically or mentally coerce, threaten or exploit an individual in order to gain consent for a search</li> </ol> </li> </ol> <p><b>QQ. Instructor- question to the class.</b> <i>Is this an exigent circumstance, why or why not?</i></p> <ol style="list-style-type: none"> <li>1. The correct response is "no".</li> <li>2. Provide correct answers below for those who answered incorrectly and to anchor the knowledge of students who provided the correct answers <ol style="list-style-type: none"> <li>a. Exigent circumstances exist if officers are responding to a call of violence and there is evidence a person's health, welfare, or safety is immediately threatened</li> <li>b. Officers <b><u>shall not</u></b> create exigent circumstances in order to justify a warrantless search or seizure.</li> </ol> </li> </ol> <p><b>RR. Instructor - read the next portion of scenario #2</b></p> <ol style="list-style-type: none"> <li>1. The male continues to deny you access to the residence, as you continue to talk with him, Donald is several feet behind Larry inside the home.</li> <li>2. He shouts at you "I ain't coming outside, I didn't do shit!" You can see Donald behind the closed screen door.</li> </ol> <p><b>SS. Instructor- question to the class.</b> <i>Now that you see Donald, can you enter the residence? Why or why not</i></p> <ol style="list-style-type: none"> <li>1. The correct response is "no".</li> </ol>	
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<p>2. Provide correct answers below for those who answered incorrectly and to anchor the knowledge of students who provided the correct answers</p> <ul style="list-style-type: none"> <li>a. Consent to search is not allowed if one cohabitant (roommate) or business partner objects to the consent,</li> <li>b. Even if the other person gives permission. Consent must be given by both people if present.</li> <li>c. There is still no exigent circumstance that would permit an officer to enter under this scenario</li> </ul> <p><b>TT.Instructor - read the next portion of scenario #2</b></p> <ul style="list-style-type: none"> <li>1. You are attempting to talk to Donald through the partially closed door, he walks away</li> <li>2. You contact a supervisor, who states that she is en-route to your location. Another backup car has arrived</li> </ul> <p><b>UU. Instructor- question to the class. Do you need an arrest warrant to arrest Donald? Please explain your answer</b></p> <ul style="list-style-type: none"> <li>1. The correct answer is “no”</li> <li>2. Provide correct answers below for those who answered incorrectly and to anchor the knowledge of students who provided the correct answers <ul style="list-style-type: none"> <li>a. Officers have probable cause that the subject has committed or is committing certain misdemeanor offenses: <ul style="list-style-type: none"> <li>i. an offense of violence,</li> <li>ii. criminal child enticement</li> <li>iii. public indecency</li> <li>iv. Domestic violence</li> <li>v. violation of a protection order</li> <li>vi. menacing by stalking</li> <li>vii. aggravated trespass</li> <li>viii. theft</li> </ul> </li> <li>b. The facts and circumstances known to the officer would lead a reasonable individual to believe that an individual has more likely than not committed or</li> </ul> </li> </ul>	<p><b>Search &amp; Seizure GPO 2.02.02</b></p> <p><b>Be careful with this one – containment on a house while a warrant is obtained is best practice</b></p>
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is committing a crime.

**VV. Instructor- question to the class.** *Do you need a search warrant to enter the property? Please explain your answer*

1. The correct answer is “yes”.
2. Provide correct answers below for those who answered incorrectly and to anchor the knowledge of students who provided the correct answers
  - a. Officers may enter a residence without a warrant to make a warrantless arrest when:
    - i. Officer reasonably believe the person is within the residence at the time of entrance **and**
    - ii. Consent to enter the residence is given by a person who shares access and control of the premises
    - iii. The burden is on the officer to ascertain whether the person granting access has the right to give permission.
    - iv. Or exigent circumstances exist (e.g., hot pursuit, spontaneous violence, prevention of a crime, or imminent escape to avoid apprehension).
  - b. None of the above factors are present, therefore a search warrant is needed.

**WW. Instructor - read the next portion of scenario #2**

1. Shelly (Larry’s girlfriend) is becoming agitated, she begins to yell at Larry and tells him to get out of her house
2. Shelly walks outside and tells you Larry does not live there and wants him AND Donald removed. Shelly states “I never see Larry and when he comes here he is only looking for money”
3. Larry then walks outside. You are speaking with Larry and Shelly on the front lawn (Donald is still in the house)



<p>4. Larry is now upset and he insists he lives there. You request identification to look at his address. Larry states he does not have an ID</p> <p>5. You request Larry to give you his full name and date of birth. Larry complies and tells you his name is Larry D. James, birthdate 11/23/85</p> <p>6. You ask radio to look up a Larry D. James, DOB 11/23/85 so you can confirm this is his address</p> <p>7. Radio tells you "be advised that male has a contempt of court traffic warrant out of Cleveland"</p> <p>8. Radio also confirms Larry's address is 15001 Lakeshore. (this confirms that Larry does live at the address with Shelly)</p> <p>9. The back-up unit switches over to channel 9 and confirms Larry has a valid contempt of court warrant for his arrest</p> <p><b>XX. Instructor- question to the class.</b> <i>Can you arrest Larry? Please explain your answer</i></p> <p>1. The correct answer is "yes", Larry has warrant for his arrest</p> <p><b>YY. Instructor- question to the class.</b> Can you search Larry and what type of search is it?</p> <p>1. The correct answer is "yes"</p> <p>2. Search incident to an arrest (custodial arrest)</p> <p><b>ZZ.Instructor-Advise the class of the below information</b>  <b>Instructor - read the next portion of scenario #2</b></p> <p>1. A backup unit that was on scene with you completes the custodial search, places handcuffs on Larry.</p> <p>2. Places him in the back of the zone car and transports him to county jail.</p> <p>3. Shelly approaches you and states "you are not leaving me with Donald! You have my permission to enter and arrest him.</p>	
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<p>AAA. <b>Instructor- question to the class.</b> <i>Can you now enter the property to arrest Donald? Explain your answer</i></p> <p>1. The correct answer is “no”,</p> <p>BBB. <b>Instructor- question to the class.</b> <i>What are you going to do now? Explain your answer</i></p> <p>a. Secure the perimeter of the residence, while attempting to have Donald voluntarily exit the residence. Utilize Division Detectives to obtain a search warrant for the residence</p> <p>b. Following the serving of a valid search warrant, conduct the arrest Donald</p> <p>c. Complete necessary reports and documentation</p> <p>CCC. <b>Instructor- question to the class.</b> <i>What are the reporting requirements for the above scenario? Explain your answer</i></p> <p>A. FBR Report</p> <p>B. Enter evidence into property</p> <p>DDD. <b>Instructor – question to class.</b> <i>Is a stop form necessary?</i></p> <p>a. <i>A stop form is not necessary, because this incident did not occur in a public place.</i></p> <p>b. <i>Instead it occurred at a private residence.</i></p> <p>c. <i>And the arrest was for a confirmed warrant</i></p> <p>EEE. Close with questions</p> <p>V. Be prepared to answer questions</p> <p>FFF. Reference anchor points presented during exercise. If not addressed, refer to Training Section supervisor for further review.</p>	
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