



Certified Search and Seizure Instructor

Course Outline

Blue to Gold Law Enforcement Training
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learners

In-service training for certified law enforcement, including patrol, investigations, specialty units, and administration

length of instruction

16 Hours

The Certified Search & Seizure Instructor Class is intended for academy and in-service instructors. It is also intended for ANY officer seeking to master Fourth Amendment concepts and earn a valuable certification.

The CSSI program will build upon the concepts taught during the Advanced Search & Seizure, Advanced Traffic Stops, and Advanced Criminal Investigations class.

In the end, graduates will have the skills needed to teach officers how to make good case law.

Upon completing the course and passing the comprehensive test, students will be permitted to use the "CSSI" designation on any business cards, resumes, Linked-In, and so forth.

GOA

Course Introduction – 10 minutes

- 1) Instructor introduction.
- 2) Explain the course objective.
- 3) Encourage attendees to ask questions and share feedback with other attendees.
- 4) Explain that certificates will be emailed after the class.
- 5) Go over the three disclaimers:
 - a) There are no black and white answers
 - b) Laws and agency standard operating procedures may be more restrictive. Blue to Gold teaches the federal standard unless otherwise stated. Therefore, students must know their state and local requirements in addition to the federal standard.
 - c) If you have any doubts, push it up the chain.
 - d) This course is legal education, NOT legal advice.

Module One: Instructor Fundamentals

- 1) Three Golden Rules
 - a) Rule One: The more you articulate why you did something, the more likely it will be upheld in court.
 - i. Best Practice
 - ii. Best Practice
 - iii. Example: DUI Investigation
 - iv. Ask the Class
 - v. Examples
 - b) Rule Two: The more serious the crime, the more reasonable your actions are likely to be viewed
 - i. Case Sample: U.S. v. Michael Torres
 - ii. Case Sample: Edwards v. State
 - c) Rule Three: Conduct all warrantless searches and seizures in the same manner as if you had a warrant
 - i. Case Sample: Lowe v. State
 - ii. Case Sample: State v. Radel

2) Traits of a Good Instructor

- a) Smiles and Laughs
- b) Is Confident, NOT Arrogant
- c) Never Insults or Makes Students Feel Dumb
- d) Doesn't Make Students Wrong
- e) Admits When Wrong or Doesn't Know
- f) Encourages Participation
- g) Translates Legalese Into Analogies
 - i. Phrases and Analogies
 - "Duration of Stop is Like Melting Ice Cubes."
 - "Can't look for an elephant in a breadbox"
 - "The 'cat out of the bag' Search"
 - "Piggyback Rule"
 - "Think 'Artificial Vantage Point' or Peepin' Tom Rule!"
 - "The 100-Person Test"
 - "Hold on to ID's and you can only get burned"
 - "Skin in the Game"
 - ii. Pictures
 - The Rodriguez Case
 - The Charley Case
 - State v. Mitchell
 - iii. Videos
 - Watch the Video: _____
 - Watch the Video: _____
 - How To Add YouTube Videos to PowerPoint
- h) Dresses and Acts Professionally
- i) Encourages Cops to Make Good Case Law

Module Two: Search and Seizure Analysis

1) Five Questions and CREW

- a) Q1: Who did the search or seizure?

- i. When does a private search become a government search?
- ii. Case Sample: State v. Waterbury
- iii. Case Sample: United States v. Stephen
- iv. Ask the Class: What is a “cat out of the bag” search?
- v. Case Sample: U.S. v. Jacobsen
- vi. Two Major Restrictions
 - Can’t Exceed Private Search
 - Must Have Lawful Access
- vii. Ask the Class: What is the substantial certainty test?
- viii. Case Sample: United States v. Runyan
- ix. Case Sample: Rann v. Atchison

b) Q2: Was it a protected area?

- i. The Fourth Amendment protects four things:
 - People
 - Structures and Curtilage
 - Data
 - Possessions
- ii. Four Factors for Curtilage
 - Proximity
 - Enclosed
 - Use
 - Sight Screening
- iii. Case Sample: U.S. v. Dunn
- iv. Case Sample: State v. Karston
- v. Case Sample: State v. Larson
- vi. Case Sample: State v. Weaver

c) Q3: Did a search or seizure occur?

- i. Reasonable Expectation of Privacy
 - Factors Needed to Establish REP
 - Case Sample: Raettig v. State
 - Case Sample: United States v. Fields
 - Case Sample: United States v. Trice
 - Case Sample: United States v. Heath
- ii. Trespass Into A Protected Area
 - Two Factors Needed to Establish a Search Under Trespass
 - Two Seizures Under the Fourth Amendment
 - Show of Authority
 - Physical Seizures

d) Q4: Did you have C.R.E.W.?

- i. **C.R.E.W.** – Consent (Three Requirements)
 - Free and Voluntary
 - Apparent Authority
 - Don't Exceed Scope
- ii. C. **R.E.W** – Recognized Exception
 - Community Caretaking
 - Case Sample: State v. Elders
 - Case Sample: Commonwealth v. Livingstone
 - Case Sample: Commonwealth v. Robertson
- iii. C.R.E.**W.** – Warrant
 - Case Sample: Raettig v. State
- iv. Decision Sequencing
 - Example One
 - Example Two
 - Example Three

e) "Secret" Fifth Question – Q5: Is there a C.R.E.W. exception?

- i. Reasons to Exclude Evidence
 - To deter police misconduct
 - Courts don't want to be "accomplices" in unlawfulness
 - Instill public trust/confidence in government
- ii. C.R.E.W. Exceptions – No Standing
- iii. C.R.E.W. Exceptions – Inevitable Discovery

- Inevitable Discovery
- Independent Source

iv. C.R.E.W. Exceptions – Good Faith/Bad Faith

- Good Faith
 - Invalid Search Warrant
 - Invalid Arrest Warrant
 - Unconstitutional Law
- Bad Faith
 - Lies and Reckless Information
 - Biased Judge
 - Facially Invalid
 - Objective Reasonableness

v. C.R.E.W. Exceptions – Other Exceptions

- Non-Criminal Hearings
- Grand Jury
- State Law Violations
- Attenuation Doctrine
- Self Help

2) Liability § 1983

- a) 42 U.S.C. § 1983
- b) Case Sample: Monroe v. Pape
- c) Case Sample: Malay v. City of Syracuse
- d) Case Sample: Luce v. Town of Campbell
- e) Case Sample: Hoke v. Anderson
- f) Case Sample: Sims v. Labowitz

3) 1983 In Action

4) Liability § 242

5) 242 in Action

6) Liability Pattern and Practice

7) Legal Definitions

- a) Judicial Hierarchy
- b) Trial Court, Appellate Court, and Court of Last Resort
- c) Petitioner
- d) Appellant
- e) Respondent
- f) Appellee

- g) Procedural Posture
 - h) Statement of Facts
 - i) Stare Decisis
 - j) Affirmed
 - k) Vacated
 - l) Reversed
 - m) Habeas Corpus
 - n) Status Quo
 - o) De Facto
 - p) De Minimis
- 8) Case Law Hierarchy
- a) Binding Authority
 - b) Persuasive Authority

Module Three: Using Legal Resources

- 1) Federal Law
- 2) State Statutes
- 3) Local Ordinances
- 4) Regulations
- 5) Secondary Sources

Module Four: Finding Case Law

- 1) Saved Cases
 - a) Evernote
 - b) Word Doc
 - c) Folders
- 2) Secondary Sources
 - a) Must Have Free Resources
 - b) Finding Resources
 - c) Paid Resources
- 3) Analog Cases
- 4) Organic Search
 - a) Keywords
 - b) Boolean Logic
 - Quotation Marks
 - Or
 - Wildcard "*"
 - Minus (-)

Module Five: Reading Case Law

- 1) Citation
- 2) Background
- 3) Legal Issues
- 4) Conclusions

Module Six: Summarizing Case Law

- 1) Summarizing
 - a) Issue
 - b) Facts
 - c) Holding
 - d) Rationale/Takeaway
- 2) Summary Examples
 - a) Summary Example One: Arizona v. Hicks, 480 U.S. 321 (1987)
 - b) Summary Example Two: State v. Cantsee, 321 P.3d 888 (2014)
- 3) Answering Legal Questions
 - a) How to Answer Questions
 - b) Legal Advice

Module Seven: Analogs

- 1) Victim's Bill of Rights
- 2) Doe v. Dep't of Pub. Safety & Corr. Servs. 430 Md. 535 (2013)
- 3) New Jersey Constitution Article I, Section 7
- 4) Commonwealth v. Brown, 996 A.2d 473 (2010)
- 5) Commonwealth v. Alexis, 481 Mass. 91, 99-100
- 6) Pro Tip
- 7) Pro Tip: Emerging Legal Issues
- 8) Handouts
- 9) University Access
- 10) Books

Module Eight: Pre-Test Q&As

- 1) Fourth Amendment Analysis
 - a) Analysis One
 - b) Analysis Two
 - c) Analysis Three
 - d) Analysis Four
 - e) Analysis Five
 - f) Analysis Six

- g) Analysis Seven
- h) Analysis Eight
- i) Analysis Nine
- j) Analysis Ten

2) Summarizing Case Law Activity

Module Nine: Final Test

Final test will be available from:

xxxx.

You will get email with access information.

Access code to materials: cssi-506.

*****End of Class*****