# Search and Seizure

# **10.1 – 10.3 COMPETENCY REQUIREMENTS**

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## Note to Administrators

In order for POST to review and approve your agency's *Field Training Guide*, you MUST submit the following electronic files:

- 1) The POST FTP Approval Checklist (Form 2-230)
- 2) Your department's Policy & Procedure Manual
- 3) Your completed Guide (Volumes 1 & 2), including ALL competency requirements covered in Part 5, Sections 1–18.

## LIST OF SUBTOPICS

#### **10.1 SEARCH CONCEPTS**

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- 10.3.02 Serving Search and Arrest Warrants
- 10.3.03 Demonstrating Proper Procedures for Obtaining and Serving Warrants

SECTION	10 SEARCH AND SEIZURE						
	CHECK ONE ONL	Y: PHASE 1 PHAS	БЕ <b>2</b> П І	PHASE 3 🗌 P	HASE 4 🗌 PHA	SE 5	
Trainee			FTO				
			_				
10.1	SEARCH CONCEPTS						
10.1.01	Terminology						
	The trainee shall review and explain th	e following terms relative to sea	arches:				
	A. Consent		1	E. Instrumentalit	ies of a crime		
	B. Scope of Searches		1	Contraband			
	C. Contemporaneous		(	G. Knock and Not	ice		
	D. Probable Cause		I	H. Container sear	ch doctrine		
						Case # (If applicable)	Incident #
Reference(	s):						
	Received Instruction	Competency Demonstra	ted	How	Remedia	al Training	How
	Signature Date	Signature	Date	Demonstrated?	Signature	Date	Remediated?
FTO:				<ul> <li>Field Perform</li> <li>Role Play</li> </ul>			Field Perform
				Written Test			Written Test
Trainee:				Verbal Test			Verbal Test
Comments	:						
	Information:						
10.1.01	Part A - Reference Agency Policies/Pro	ocedures, if applicable (600 cha	racters max	imum)			🗌 N/A

**10.1.01 Part B - Agency Training Details** (field will expand automatically)

10.1.02	Circumstances Allowing Legally Authorized Searches									
	The trainee shall recognize and explain the circumstances under which the following types of legally authorized searches may be made. These circumstances shall minimally include:									
	A. Pat searches for weapo	ons		ł	E. Plain sight					
	B. Consent searches			I	<sup>2</sup> . Incident to arr	est				
	C. Probable cause search			(	G. Exigent circum	istances				
	D. A search warrant			I	H. Probation/par	ole search				
Reference(	s):						Case # (If applicable)	Incident #		
	Received Instruction		Competency Demonstrated							
	Received Instruction	n	Competency Demonstra	ted	How	Remedia	al Training	How		
	Received Instruction	Date	Competency Demonstra Signature	ted Date	Demonstrated?	Remedia Signature	al Training Date	Remediated?		
FTO:				-	Demonstrated?			Remediated?		
				-	Demonstrated?			Remediated?		
FTO: Trainee:				-	Demonstrated?  Field Perform  Role Play			Remediated?		
	Signature			-	Demonstrated?  Field Perform Role Play Written Test			Remediated?         Field Perform         Role Play         Written Test		
Trainee:	Signature				Demonstrated?  Field Perform Role Play Written Test			Remediated?         Field Perform         Role Play         Written Test		
Trainee:	Signature				Demonstrated?  Field Perform Role Play Written Test			Remediated?         Field Perform         Role Play         Written Test		

## **Additional Information:**

10.1.02	Part A - Reference Agency Policies/Procedures, if applicable (600 characters maximum)	□ N/A
10.1.02	Part B - Agency Training Details (field will expand automatically)	

10.1.03	Items Which May Be Legall	y Searched								
	The trainee shall identify items for which an officer may legally search. These items shall minimally include:									
	A. Dangerous weapons			I	D. Contraband					
	B. Fruits of the crime			E	E. Suspects					
	C. Instruments of the crim	e		F	Additional victi	ms				
Reference(s	5):						Case # (If ap	plicable)	Incident #	
	Received Instruction	1	Competency Demonstrat	ted	How	Remedia	al Training		How	
	Signature	Date	Signature	Date	Demonstrated?	Signature		Date	Remediated?	
FTO:					Field Perform				Field Perform	
Trainee:					Written Test				Written Test	
Comments	:						·			

10.1.03	Part A - Reference Agency Policies/Procedures, if applicable (600 characters maximum)	🗌 N/A

**10.1.03 Part B - Agency Training Details** (field will expand automatically)

10.1.04	Limits of Searches The trainee shall discuss the	limits of se	arches when conducted with p	ersons, veh	icles, and buildings	including:			
	A.     Protective sweeps     C.     Inventory searches       B.     Closed containers								
Reference(	s):						Case # (If a	pplicable)	Incident #
	Received Instruction		Competency Demonstrat	ted	How	Remedia	lial Training		How
	Signature	Date	Signature	Date	Demonstrated?	Signature		Date	Remediated?
FTO:					<ul> <li>Field Perform</li> <li>Role Play</li> </ul>				Field Perform
Trainee:					<ul> <li>Written Test</li> <li>Verbal Test</li> </ul>				<ul> <li>Written Test</li> <li>Verbal Test</li> </ul>
Comments	:	1		•				1	

10.1.04	Part A - Reference Agency Policies/Procedures, if applicable (600 characters maximum)

**10.1.04 Part B - Agency Training Details** (field will expand automatically)

🗌 N/A

10.1.05	5 Exclusionary Rule The trainee shall explain the "exclusionary rule" and its effect upon police action and procedures including:									
	A. Court filings			l	B. Prosecution of	suspects				
Reference(s	5):						Case # (If a	oplicable)	Incident #	
	Received Instruction	I	Competency Demonstrated		How	Remedia	I Training		How	
	Signature	Date	Signature	Date	Demonstrated?	Signature		Date	Remediated?	
FTO:					Field Perform				Field Perform	
Trainee:					<ul><li>Written Test</li><li>Verbal Test</li></ul>				<ul> <li>Written Test</li> <li>Verbal Test</li> </ul>	
Comments	:									

10.1.05	Part A - Reference Agency Policies/Procedures, if applicable (600 characters maximum)	N/A
10.1.05	Part B - Agency Training Details (field will expand automatically)	

# **10.2 SEIZURE CONCEPTS**

#### 10.2.01 Lawful Evidence Seizure

The trainee shall review and explain the concept of lawful evidence seizure, including instances where force may be justified, such as:

A. Preventing a suspect from swallowing evidence

C. Extracting blood evidence from a suspect

B. Inducing a suspect to vomit

D. Extracting fingerprint evidence from a suspect

Reference(	s):	Case # (If a	pplicable)	Incident #					
	Received Instruction		Competency Demonstrated		How	Remedial Training			How
	Signature	Date	Signature	Date	Demonstrated?	Signature		Date	Remediated?
FTO:					Field Perform Role Play Written Test				Field Perform Role Play Written Test
Trainee:					Verbal Test				Verbal Test
Comments	:								

#### Additional Information:

10.2.01	Part A - Reference Agency Policies/Procedures, if applicable (600 characters maximum)	N/A

**10.2.01 Part B - Agency Training Details** (field will expand automatically)

10.3	WARRANTS								
10.3.01	<b>Obtaining Search and Arrest Warrants</b> The trainee shall explain the laws and procedures for obtaining search and arrest warrants, to minimally include:								
	<ul> <li>A. Probable cause necessity</li> <li>B. Allowable exclusions (including hot pursuit and emergency situations)</li> <li>C. Process for obtaining warrants during and after business hours</li> </ul>								
Reference(s	Case # (If applicable)     Incident #							Incident #	
	Received Instruction Competency Demonstrated			ted	How	Remedia	I Training		How
	Signature	Date	Signature	Date	Demonstrated?	Signature	C	Date	Remediated?
FTO: Trainee:					Field Perform Role Play Written Test Verbal Test				Field Perform  Role Play  Written Test  Verbal Test
Comments	Comments:								

**10.3.01 Part B - Agency Training Details** (field will expand automatically)

🗌 N/A

#### 10.3.02 Serving Search and Arrest Warrants The trainee shall describe the process for serving search and arrest warrants, including: A. Hours of service for felony arrest warrants D. Knock and notice for search warrants, and exemptions to

- B. Hours of service for misdemeanor arrest warrants
- C. Hours of service for search warrants

- E. "Signing off" warrants/return

Reference(s):								pplicable)	Incident #
	Received Instruction         Competency Demonstrated           Signature         Date         Signature         Date		How Demonstrated?	Remedial Training Signature Date		How Remediated?			
FTO:			- In the second s	2000	Field Perform Role Play	olgilataro		2000	Field Perform
Trainee:					<ul> <li>Written Test</li> <li>Verbal Test</li> </ul>				<ul> <li>Written Test</li> <li>Verbal Test</li> </ul>
Comments	:								

## **Additional Information:**

10.3.02	Part A - Reference Agency Policies/Procedures, if applicable (600 characters maximum)	□ N/A

10.3.02 **Part B - Agency Training Details** (field will expand automatically)

### 10.3.03 Demonstrating Proper Procedures for Obtaining and Serving Warrants

Given an incident and necessary probable cause that calls for a search or arrest warrant, the trainee shall follow agency procedures for obtaining and serving the appropriate warrant(s).

Reference(s):     Case # (If applicable)								Incident #	
	Received Instruction	Date	Competency Demonstrated Signature Date		How Demonstrated?	Remedial Training Signature Date		How Remediated?	
FTO: Trainee:	Jighatare		orginature		Field Perform Role Play Written Test Verbal Test				Field Perform Role Play Written Test Verbal Test
Comments	:	1		1	1				

## Additional Information:

10.3.03	Part A - Reference Agency Policies/Procedures, if applicable (600 characters maximum)	🗌 N/A
10.3.03	Part B - Agency Training Details (field will expand automatically)	

See next page for Attestation

# Part 5 – Section 10: Search and Seizure

## **ATTESTATION FOR SECTION 10**

#### TO ENTER YOUR ELECTRONIC SIGNATURE:

- Export your file as a PDF. (Go to File > Export > Create PDF/XPS Document)
- Click on "Fill & sign" > Click on "Sign" icon at top of page > Click on "Add signature"
- Click on the "Image" icon > Click "Select image" > Locate your signature file > Click "Apply" to place your signature.
- Enter your full name next to your signature.

## YOUR ELECTRONIC SIGNATURES VERIFY that the Field Training Officer (FTO) and Trainee attest to the following:

- 1. The FTO(s) provided all instruction, training, and related feedback/comments to the Trainee in accordance with the agency's training requirements for this portion of the Field Training Program.
- 2. The Trainee demonstrated all competencies required for this portion of the Field Training Program.
- 3. If remedial training was performed, the results were reviewed by the appropriate FTO(s) and accepted by the Trainee.
- 4. The final evaluation of the Trainee's performance for this portion of the Field Training Program were approved by the FTO(s) and accepted by the Trainee.

Primary Field Training Officer:	Χ	Print Full Name:
Trainee:	X	Print Full Name:

**IMPORTANT:** After signing the Attestation, the file will be "locked" and **CANNOT BE MODIFIED**. If you need to make changes, both signatures must be removed and re-entered after the final revisions have been made.

**To remove the electronic signature:** Click on the signature > Click on the trash icon.

#### See the following pages for Instructions to Administrators and FTOs

## How to Complete Part 5 (Sections 1–18)

## **INSTRUCTIONS TO ADMINISTRATORS**

**VOLUME 2 OF THE FIELD TRAINING GUIDE CONSISTS OF 18 SECTIONS WHICH MAKE UP PART 5.** Each section is provided as a separate file on the POST website (https://www.post.ca.gov/field-training--police-training.aspx). Prior to submitting your FTP Guide to POST for review, you must complete all 18 sections and include them as part of your Guide.

- 1. Set up: Keep an unchanged copy of each section file as a master for reference. Make a copy of the file to use for your agency-specific entries.
- 2. Front cover (optional): To keep a hard copy of Volume 2 for internal use, you can add your agency name and date to the front cover.
- 3. For each section (1–18):
  - a. Open the applicable file and add your agency name and date to the header on page 1. (DO NOT change any other headers or footers or alter any other sections of the file.)
  - b. Below each table:
    - Part A: Enter applicable references from your agency's Policies & Procedure Manual.
    - Part B: Enter your agency's training details.
- 4. *After completing ALL sections (1–18),* you MUST submit the following materials via flash drive, CD, or DVD to POST for review and approval (do not send printed copies):
  - 1) Your completed FTP Guide
  - FTP Approval Checklist (<u>POST Form 2-230</u>) NOTE: Guides submitted without this form <u>will NOT be reviewed</u>.
  - 3) Your Department's Policy & Procedure Manual
- 5. MAIL YOUR ELECTRONIC MEDIA TO:

Commission on POST 860 Stillwater Road, Suite 100 West Sacramento, CA 95605 Attn: Basic Training Bureau (BTB)

6. All applicants shall be notified in writing within **30** working days regarding the completeness of the package and application. A decision for approval shall be reached within **45** working days from the date the completed application is received.

#### See next page for Instructions to Field Training Officers

## How to Complete Part 5 (Sections 1–18)

## INSTRUCTIONS TO FIELD TRAINING OFFICERS (FTOs)

**VOLUME 2 OF THE FIELD TRAINING GUIDE CONSISTS OF 18 SECTIONS WHICH MAKE UP PART 5.** Each section has been customized by your agency administrator(s) to include references to policies and procedures and training details to meet your agency's Field Training Program requirements. Each file is provided as a separate file. For each section (1–18), complete all tables for each topic.

- 1. Set up: Keep an unchanged copy of each section file as a master for reference. Make a copy of the file to use for your training sessions.
- 2. Tracking your training sessions:
  - a. Upon completing each competency, enter the FTO and trainee names and dates, and how the competency was demonstrated, into the applicable tables.
  - b. Enter any note-worthy comments related to the trainee's performance.
- 3. If trainee requires remedial training:
  - c. Enter the FTO and trainee names and dates, and how the competency was remediated, to show that each competency was completed.
  - d. Enter any additional note-worthy comments related to the trainee's performance.
- 4. *Attestation:* After all competencies have been performed, including any remedial training, the primary FTO and Trainee MUST enter their electronic signatures on the Attestation page (see instructions) to verify that the Trainee has completed this portion of the Field Training Program.

**End Section**