



Peace Officer Standards and Training

Instructional Subject: *Search and Seizure*

Unit Goal: To give the student an understanding of applicable procedures, constitutional requirements and case laws in the searching for and the seizing of evidence during a criminal investigation.

Cat. I	Cat. II	Cat. III	Reserve	Reciprocity
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

Performance Objectives: Upon completion the student will be able to

- A. Recognize constitutional protections guaranteed by the fourth Amendment
- B. Identify the concept of reasonable expectation of privacy
 1. Recognize standing and how it applies to an expectation of privacy
- C. Describe probable cause to search and its link between Fourth Amendment protections and search and seizure law
 1. Recognize how probable cause serves as a basis for obtaining a search warrant
- D. Express how the exclusionary rule applies to a peace officer's collection of evidence
- E. Apply the following with regards to search warrants:
 1. Necessary conditions for securing an area pending the issuance of a search warrant
 2. Time limitations for serving a search warrant
 3. Elements for compliance with the knock and notice requirements when serving a search warrant
- F. Recognize why a plain view seizure does not constitute a search
 1. Recognize the legal requirements for seizure of items in plain view
- G. Apply the following with regards to warrantless searches
 1. Conditions and circumstances where warrantless searches and seizures are considered reasonable and legal
 2. Scope and necessary conditions for conducting warrantless searches, to include:
 - i. Cursory/frisk/pat searches
 - ii. Consent searches
 - iii. Searches pursuant to exigent circumstances



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Instructional Subject: *Search and Seizure Continued*

Cat. I	Cat. II	Cat. III	Reserve	Reciprocity
X	X		X	X
X	X		X	X
X	X		X	X
X	X		X	X
X	X		X	X
X	X		X	X

- iv. Searches incident to arrest
 - v. Probation/parole searches
- H. Assess 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
- I. Recognize the scope and necessary conditions for conducting a vehicle inventory**
- J. Analyze the legal framework establishing a peace officer's authority to seize physical evidence from a subject's body, to include:**
1. With a warrant
 2. Without a warrant
- K. Recognize the conditions under which a peace officer may use reasonable force to prevent a subject from swallowing or attempting to swallow evidence**
- L. Indicate the conditions necessary for legally obtaining blood samples**
- M. Summarize the conditions for legally obtaining the following evidence:**
1. Fingerprints
 2. Handwriting samples
- N. Identify the importance of a peace officer's neutral role during an identification procedure**