Search and Seizure

10.1 – 10.3 COMPETENCY REQUIREMENTS

	Contents
10.1	Search Concepts
10.2	Seizure Concepts
10.3	Warrants
List of	Subtopics
Attesta	ation
Instruc	ctions to Administrators
Instruc	ctions to FTOs

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

- 10.1.01 Terminology
 10.1.02 Circumstances Allowing Legally Authorized Searches
 10.1.03 Items Which May Be Legally Searched
- 10.1.04 Limits of Searches10.1.05 Exclusionary Rule

10.2 SEIZURE CONCEPTS

10.2.01 Lawful Evidence Seizure

10.3 WARRANTS

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

5.10 Search and Seizure Page **2** of **14**

SECTION	10 SEARCH AND SEIZU	IRE								
	CHECK (ONE ONLY	: PHASE 1	PHASE 2	PHASE 3 P	HASE 4	PHASE 5			
Trainee				FTO						
10.1	SEARCH CONCEPTS									
10.1.01	Terminology									
	The trainee shall review and	explain the	following terms re	elative to searches:						
	A. Consent				E. Instrumentaliti	es of a crime				
	B. Scope of Searches				F. Contraband					
	C. Contemporaneous				G. Knock and Not	ice				
	D. Probable Cause				H. Container sear	ch doctrine				
							Case # (If a	ipplicable)	Incident #	
Reference(s	5):					1	.,			
	Possived Instruction Competency Demonstrated									
	Received Instruction		Competend	cy Demonstrated	How	Re	emedial Training		How	
	Received Instruction Signature	Date	Competend Signature	cy Demonstrated Date	Demonstrated?	Re Signature	emedial Training	Date	Remediated?	
FTO:		Date			Demonstrated? Field Perform		emedial Training	Date	Remediated? Field Perform	
FTO: Trainee:		Date			Demonstrated?		emedial Training	Date	Remediated?	
	Signature	Date			Demonstrated? Field Perform Role Play Written Test		emedial Training	Date	Remediated? Field Perform Role Play Written Test	
Trainee:	Signature	Date			Demonstrated? Field Perform Role Play Written Test		emedial Training	Date	Remediated? Field Perform Role Play Written Test	
Trainee:	Signature	Date			Demonstrated? Field Perform Role Play Written Test		emedial Training	Date	Remediated? Field Perform Role Play Written Test	
Trainee:	Signature	Date			Demonstrated? Field Perform Role Play Written Test		emedial Training	Date	Remediated? Field Perform Role Play Written Test	
Trainee:	Signature	Date			Demonstrated? Field Perform Role Play Written Test		emedial Training	Date	Remediated? Field Perform Role Play Written Test	
Trainee:	Signature		Signature	Date	Demonstrated? Field Perform Role Play Written Test Verbal Test		emedial Training	Date	Remediated? Field Perform Role Play Written Test	
Trainee: Comments Additional	Signature Information:		Signature	Date	Demonstrated? Field Perform Role Play Written Test Verbal Test		emedial Training	Date	Remediated? Field Perform Role Play Written Test Verbal Test	
Trainee: Comments Additional	Signature Information:		Signature	Date	Demonstrated? Field Perform Role Play Written Test Verbal Test		emedial Training	Date	Remediated? Field Perform Role Play Written Test Verbal Test	
Trainee: Comments Additional 10.1.01	Information: Part A - Reference Agency P	olicies/Pro	cedures, if applicat	ble (600 characters mo	Demonstrated? Field Perform Role Play Written Test Verbal Test		emedial Training	Date	Remediated? Field Perform Role Play Written Test Verbal Test	
Trainee: Comments Additional	Signature Information:	olicies/Pro	cedures, if applicat	ble (600 characters mo	Demonstrated? Field Perform Role Play Written Test Verbal Test		emedial Training	Date	Remediated? Field Perform Role Play Written Test Verbal Test	

5.10 Search and Seizure Page **3** of **14**

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 weapons B. Consent searches F. Incident to arrest C. Probable cause search G. Exigent circumstances D. A search warrant H. Probation/parole search							
Reference(s):						Case # (If applicable	ncident #
	Received Instruction		Competency Demonstra	ted	How	Remedia	al Training	How
	Signature	Date	Signature	Date	Demonstrated?	Signature	Date	Remediated?
FTO:					Field Perform			Field Perform
					Role Play Written Test			Role Play Written Test
Trainee:					☐ Verbal Test			☐ Verbal Test
Comments	:							
Additional	Information:							
10.1.02	Part A - Reference Agency P	olicies/Pro	cedures, if applicable (600 cho	ıracters max	kimum)			⊠ N/A
10.1.02	Part B - Agency Training De	tails (field v	vill expand automatically)					
	CALIFORNIA LEGAL SOUR	-	,,					
	CALIFORINIA LEGAL SOUR	CE BOOK						

5.10 Search and Seizure Page **4** of **14**

10.1.03	Items Which May Be Legally Searched								
	The trainee shall identify items for which an officer may legally search. These items shall minimally include:								
	A. Dangerous weapons D. Contraband								
	B. Fruits of the crime E. Suspects								
	C. Instruments of the crim	ne			F. Additional vict	tims			
Reference(s):						Case # (If a	ipplicable)	Incident #
	Received Instruction	1	Competency Demonstra	ted	How	Remedia	al Training		How
	Signature	Date	Signature	Date	Demonstrated?	Signature		Date	Remediated?
FTO:					Field Perform Role Play				Field Perform Role Play
Trainee:					☐ Written Test				☐ Written Test
Comments					☐ Verbal Test				☐ Verbal Test
Additional	Information:								
10.1.03	Part A - Reference Agency F	Policies/Pro	ocedures, if applicable (600 cha	racters max	kimum)				⊠ N/A
10.1.03	Part B - Agency Training De	tails (field v	vill expand automatically)						

5.10 Search and Seizure Page **5** of **14**

10.1.04	Limits of Searches								
		limits of se	earches when conducted with n	ersons veh	icles, and huildings	sincluding.			
	The trainee shall discuss the limits of searches when conducted with persons, vehicles, and buildings including: A. Protective sweeps C. Inventory searches B. Closed containers								
Reference(Case # (If o	applicable)	Incident #
	Received Instruction	1	Competency Demonstra	ted	How	Remedi	al Training		How
	Signature	Date	Signature	Date	Demonstrated?	Signature		Date	Remediated?
FTO:					Field Perform Role Play				Field Perform Role Play
Trainee:					☐ Written Test☐ Verbal Test				☐ Written Test☐ Verbal Test
Comments	:								
Additiona	Information:								
10.1.04	Part A - Reference Agency	Policies/Pro	cedures, if applicable (600 cha	racters max	rimum)				⊠ N/A
					_				
10.1.04	Part B - Agency Training De	tails (field v	vill expand automatically)						

5.10 Search and Seizure Page **6** of **14**

10.1.05	Exclusionary Rule							
	The trainee shall explain t	he "exclusion	ary rule" and its effect upon po	lice action a	and procedures incl	luding:		
	A. Court filings				B. Prosecution of	suspects		
Reference(5):						Case # (If applicable)	Incident #
	Received Instructi	on	Competency Demonstrat	ted	How	Remedia	al Training	How
	Signature	Date	Signature	Date	Demonstrated?	Signature	Date	Remediated?
FTO:					Field Perform Role Play			Field Perform Role Play
					Written Test			Written Test
Trainee:					☐ Verbal Test			☐ Verbal Test
Comments								
Additional	Information:							
10.1.05	Part A - Reference Agency	/ Policies/Pro	cedures, if applicable (600 cha	racters max	kimum)			⊠ N/A
10.1.05	Part B - Agency Training [Details (field v	vill expand automatically)					

5.10 Search and Seizure Page **7** of **14**

10.2	SEIZURE CONCEPTS								
10.2.01	Lawful Evidence Seizure								
	The trainee shall review and	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 fr	om swallow	ing evidence	(C. Extracting bloo	od evidence from a s	suspect		
	B. Inducing a suspect to v	omit		I	D. Extracting fing	erprint evidence fro	m a suspec	t	
Reference(s	5):						Case # (If o	ipplicable)	Incident #
	Received Instruction	n	Competency Demonstrat	ed	How	Remedi	al Training		How
	Signature	Date	Signature	Date	Demonstrated?	Signature		Date	Remediated?
FTO:					Field Perform Role Play				Field Perform Role Play
Trainee:					Written Test				Written Test
Comments					☐ Verbal Test				☐ Verbal Test
Additional	Information:								
10.2.01	Part A - Reference Agency	Policies/Pro	cedures, if applicable (600 cha	racters max	imum)				□ N/A
	UPD POLICIES- SEARCH A	ND SEIZUR	E, USE OF FORCE, AND BIOLO	OGICAL SA	MPLES				
		- 11 (6:11							
10.2.01	Part B - Agency Training De	etails (field v	vill expand automatically)						

5.10 Search and Seizure Page 8 of 14

10.3	WARRANTS								
10.3.01	Obtaining Search and Arres	t Warrants							
	The trainee shall explain the	laws and p	procedures for obtaining search	and arrest	warrants, to minim	nally include:			
	A. Probable cause necessi	ty			C. Process for ob	taining warrants du	ring and aft	er busines	s hours
	B. Allowable exclusions (ir	ncluding ho	t pursuit and emergency situation	ons)					
Reference(s):						Case # (If o	applicable)	Incident #
	Received Instruction	1	Competency Demonstrat	ted	How	Remedi	ial Training		How
	Signature	Date	Signature	Date	Demonstrated?	Signature		Date	Remediated?
FTO:					Field Perform Role Play				Field Perform Role Play
Trainee:					Written Test				Written Test
Comments					☐ Verbal Test				☐ Verbal Test
Comments									
Additional	Information:								
10.3.01	Part A - Reference Agency F	Policies/Pro	ocedures, if applicable (600 cha	racters max	kimum)				□ N/A
	UPD POLICY- WARRANT S	ERVICE							
10.3.01	Part B - Agency Training De	tails (field v	vill expand automatically)						

5.10 Search and Seizure Page **9** of **14**

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 feld	A. Hours of service for felony arrest warrants D. Knock and notice for search warrants, and e								
	B. Hours of service for mis	demeanor	arrest warrants		E. "Signing off" w	varrants/return				
	C. Hours of service for se	arch warrar	nts							
Reference(s):						Case # (If o	pplicable)	Incident #	
	Received Instruction	l	Competency Demonstrat	ed	How	Remedi	al Training		How	
	Signature	Date	Signature	Date	Demonstrated?	Signature	-	Date	Remediated?	
FTO:					Field Perform Role Play				Field Perform Role Play	
					Written Test				Written Test	
Trainee:					☐ Verbal Test				☐ Verbal Test	
Comments										
Additional	Information:									
10.3.02	Part A - Reference Agency I	Policies/Pro	cedures, if applicable (600 chai	racters max	kimum)				⊠ N/A	
10.3.02	Part B - Agency Training De	tails (field v	vill expand automatically)							

5.10 Search and Seizure Page **10** of **14**

10.3.03	• •	ssary proba	Obtaining and Serving Warrant ble cause that calls for a search		arrant, the trainee	shall follow agency p	procedures for obtain	ing and serving
Reference(s):						Case # (If applicable)	Incident #
	Received Instruction	1	Competency Demonstra	ted	How	Remedia	al Training	How
	Signature	Date	Signature	Date	Demonstrated?	Signature	Date	Remediated?
FTO:					Field Perform Role Play			Field Perform Role Play
Trainee:					☐ Written Test☐ Verbal Test			☐ Written Test☐ Verbal Test
Comments	Information:							
10.3.03		Policies/Pro	ocedures, if applicable (600 cha	racters max	imum)			⊠ N/A
10.3.03	Part B - Agency Training De	tails (field v	will expand automatically)					

See next page for Attestation

5.10 Search and Seizure Page 11 of 14

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:	X	Print Full Name:
Trainee:	Χ	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
 - 2) **FTP Approval Checklist** (<u>POST Form 2-230</u>)
 NOTE: Guides submitted without this form *will NOT be reviewed*.
 - 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. You will receive status notification within 90 days from the date received.

See next page for Instructions to Field Training Officers

5.10 Search and Seizure Page 13 of 14

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

5.10 Search and Seizure Page 14 of 14