

MAINTAINING SECURITY

IDENTIFY THE DIFFERENT TYPES OF SEARCHES. (MCT)

IDENTIFY KEY INFORMATION THAT NEEDS TO BE GATHERED AND REVIEWED WHEN PLANNING A SEARCH. (MCT)

IDENTIFY THE IMPORTANCE OF HAVING A SEARCH PLAN AND COMMUNICATING IT TO SUPERVISORS AND PEERS PRIOR TO INITIATING THE PLAN. (MCT)

IDENTIFY THE STEPS THAT SHOULD BE TAKEN BEFORE A PLANNED SEARCH IS CONDUCTED. (MCT)

IDENTIFY SAFETY RISKS THAT MAY BE ENCOUNTERED DURING A SEARCH OF AN AUTOMOBILE. (MCT)

DEMONSTRATE A SYSTEMATIC AND SAFE PROCEDURE FOR CONDUCTING A SEARCH OF AN AUTOMOBILE. (BST)

IDENTIFY THE CORRECT PROCEDURE FOR RESPONDING TO THE DISCOVERY OF HAZARDOUS MATERIALS. (MCT)

IDENTIFY KEY CONCEPTS TO CONSIDER WHEN PLANNING THE APPROACH TO A RESIDENCE, BUILDING, OR AUTOMOBILE TO BE SEARCHED. (MCT)

DEMONSTRATE A SYSTEMATIC AND SAFE PROCEDURE FOR CONDUCTING A SEARCH OF A ROOM. (BST)

IDENTIFY THE REASONS WHY IT IS IMPORTANT TO DOCUMENT A SEARCH. (MCT)

PROBATION SEARCHES / STATUTES

PC 830.5

PC 835a

PC 832

4th Amendment

Terry vs Ohio

CA Penal Code § 830.5 (2017)

The following persons are peace officers whose authority extends to any place in the state while engaged in the performance of the duties of their respective employment and for the purpose of carrying out the primary function of their employment or as required under Sections 8597, 8598, and 8617 of the Government Code. Except as specified in this section, these peace officers may carry firearms only if authorized and under those terms and conditions specified by their employing agency:

(a) A parole officer of the Department of Corrections and Rehabilitation, or the Department of Corrections and Rehabilitation, Division of Juvenile Parole Operations, probation officer, deputy probation officer, or a board coordinating parole agent employed by the Juvenile Parole Board. Except as otherwise provided in this subdivision, the authority of these parole or probation officers shall extend only as follows:

(1) To conditions of parole, probation, mandatory supervision, or post release community supervision by any person in this state on parole, probation, mandatory supervision, or post release community supervision.

(2) To the escape of any inmate or ward from a state or local institution.

(3) To the transportation of persons on parole, probation, mandatory supervision, or post release community supervision.

(4) To violations of any penal provisions of law which are discovered while performing the usual or authorized duties of his or her employment.

(5) (A) To the rendering of mutual aid to any other law enforcement agency.

(B) For the purposes of this subdivision, "parole agent" shall have the same meaning as parole officer of the Department of Corrections and Rehabilitation or of the Department of Corrections and Rehabilitation, Division of Juvenile Justice.

(C) Any parole officer of the Department of Corrections and Rehabilitation, or the Department of Corrections and Rehabilitation, Division of Juvenile Parole Operations, is authorized to carry firearms, but only as determined by the director on a case-by-case or unit-by-unit basis and only under those terms and conditions specified by the director or chairperson. The Department of Corrections and Rehabilitation, Division of Juvenile Justice, shall develop a policy for arming peace officers of the Department of Corrections and Rehabilitation, Division of Juvenile Justice, who comprise "high-risk transportation details" or "high-risk escape details" no later than June 30, 1995. This policy shall be implemented no later than December 31, 1995.

(D) The Department of Corrections and Rehabilitation, Division of Juvenile Justice, shall train and arm those peace officers who comprise tactical teams at each facility for use during "high-risk escape details."

San Diego County Probation

CA PENAL CODE § 835A (2017)

ANY PEACE OFFICER WHO HAS REASONABLE CAUSE TO BELIEVE THAT THE PERSON TO BE ARRESTED HAS COMMITTED A PUBLIC OFFENSE MAY USE REASONABLE FORCE TO EFFECT THE ARREST, TO PREVENT ESCAPE OR TO OVERCOME RESISTANCE.

A PEACE OFFICER WHO MAKES OR ATTEMPTS TO MAKE AN ARREST NEED NOT RETREAT OR DESIST FROM HIS EFFORTS BY REASON OF THE RESISTANCE OR THREATENED RESISTANCE OF THE PERSON BEING ARRESTED; NOR SHALL SUCH OFFICER BE DEEMED AN AGGRESSOR OR LOSE HIS RIGHT TO SELF-DEFENSE BY THE USE OF REASONABLE FORCE TO EFFECT THE ARREST OR TO PREVENT ESCAPE OR TO OVERCOME RESISTANCE.

San Diego County Probation

CA Penal Code § 832 (2017)

- (a) Every person described in this chapter as a peace officer shall satisfactorily complete an introductory training course prescribed by the Commission on Peace Officer Standards and Training. On or after July 1, 1989, satisfactory completion of the course shall be demonstrated by passage of an appropriate examination developed or approved by the commission. Training in the carrying and use of firearms shall not be required of a peace officer whose employing agency prohibits the use of firearms.
- (b) (1) Every peace officer described in this chapter, prior to the exercise of the powers of a peace officer, shall have satisfactorily completed the training course described in subdivision (a).
- (2) Every peace officer described in Section 13510 or in subdivision (a) of Section 830.2 may satisfactorily complete the training required by this section as part of the training prescribed pursuant to Section 13510.
- (c) Persons described in this chapter as peace officers who have not satisfactorily completed the course described in subdivision (a), as specified in subdivision (b), shall not have the powers of a peace officer until they satisfactorily complete the course.
- (d) A peace officer who, on March 4, 1972, possesses or is qualified to possess the basic certificate as awarded by the Commission on Peace Officer Standards and Training is exempted from this section.
- (e) (1) A person completing the training described in subdivision (a) who does not become employed as a peace officer within three years from the date of passing the examination described in subdivision (a), or who has a three-year or longer break in service as a peace officer, shall pass the examination described in subdivision (a) prior to the exercise of the powers of a peace officer, except for a person described in paragraph (2).

(2) The requirement in paragraph (1) does not apply to a person who meets any of the following requirements:

(A) Is returning to a management position that is at the second level of supervision or higher.

(B) Has successfully requalified for a basic course through the Commission on Peace Officer Standards and Training.

(C) Has maintained proficiency through teaching the course described in subdivision (a).

(D) During the break in California service, was continuously employed as a peace officer in another state or at the federal level.

(E) Has previously met the requirements of subdivision (a), has been appointed as a peace officer under subdivision (c) of Section 830.1, and has been continuously employed as a custodial officer as defined in Section 831 or 831.5 by the agency making the peace officer appointment since completing the training prescribed in subdivision (a).

(f) The commission may charge appropriate fees for the examination required by subdivision (e), not to exceed actual costs.

(g) Notwithstanding any other law, the commission may charge appropriate fees for the examination required by subdivision (a) to each applicant who is not sponsored by a local or other law enforcement agency, or is not a peace officer employed by, or under consideration for employment by, a state or local agency, department, or district, or is not a custodial officer as defined in Sections 831 and 831.5.

The fees shall not exceed actual costs.

(h) (1) When evaluating a certification request from a probation department for a training course described in this section, the commission shall deem there to be an identifiable and unmet need for the training course.

(2) A probation department that is a certified provider of the training course described in this section shall not be required to offer the course to the general public.

San Diego County Probation

The Fourth Amendment (Amendment IV) to the United States Constitution is part of the Bill of Rights. It prohibits unreasonable searches and seizures. In addition, it sets requirements for issuing warrants: warrants must be issued by a judge or magistrate, justified by probable cause, supported by oath or affirmation, and must particularly describe the place to be searched and the persons or things to be seized.

Fourth Amendment case law deals with three main issues: what government activities are "searches" and "seizures", what constitutes probable cause to conduct searches and seizures, and how violations of Fourth Amendment rights should be addressed. Early court decisions limited the amendment's scope to physical intrusion of property or persons, but with *Katz v. United States* (1967), the Supreme Court held that its protections extend to intrusions on the privacy of individuals as well as to physical locations. A warrant is needed for most search and seizure activities, but the Court has carved out a series of exceptions for consent searches, motor vehicle searches, evidence in plain view, exigent circumstances, border searches, and other situations.

The exclusionary rule is one way the amendment is enforced. Established in *Weeks v. United States* (1914), this rule holds that evidence obtained as a result of a Fourth Amendment violation is generally inadmissible at criminal trials. Evidence discovered as a later result of an illegal search may also be inadmissible as "fruit of the poisonous tree", unless it inevitably would have been discovered by legal means.

San Diego County Probation

Terry v. Ohio, 392 U.S. 1 (1968), was a landmark decision of the Supreme Court of the United States in which the Court ruled that the Fourth Amendment's prohibition on unreasonable searches and seizures is not violated when a police officer stops a suspect on the street and frisks him or her without probable cause to arrest, if the police officer has a reasonable suspicion that the person has committed, is committing, or is about to commit a crime and has a reasonable belief that the person "may be armed and presently dangerous."

For their own protection, after a person has been stopped, police may perform a quick surface search of the person's outer clothing for weapons if they have reasonable suspicion that the person stopped is armed. This reasonable suspicion must be based on "specific and articulable facts" and not merely upon an officer's hunch. This permitted police action has subsequently been referred to in short as a "stop and frisk," or simply a "Terry frisk". The Terry standard was later extended to temporary detentions of persons in vehicles, known as traffic stops; see Terry stop for a summary of subsequent jurisprudence.[citation needed]

The rationale behind the Supreme Court decision revolves around the understanding that, as the opinion notes, "the exclusionary rule has its limitations." The meaning of the rule is to protect persons from unreasonable searches and seizures aimed at gathering evidence, not searches and seizures for other purposes (like prevention of crime or personal protection of police officers).

PROBATION SEARCHES / STATUS

San Diego County Probation

ACTIVITY

EACH BOX TO THE RIGHT DESCRIBES A SUBJECT ON PROBATION WITH COURT CASE INFORMATION. STUDENTS TO PRESENT SUBJECT, SEARCH TERMS ALONG WITH ADDITIONAL INFORMATION NEEDED TO BE SUCCESSFUL IN COMPLETING HOME CALL.

Sex offender – recently released from custody. T&C's include no kids in home, not to live near school and or park within 1000 yards. Search terms include phone, PC and computers. Subject must register as a sex offender

Narcotic offender- moved to new residence with friend, recently traveled to Mexico. Subject has to register as a narcotic offender

Documented Gang member- Released from CDCR, first home call at residence. Cousin also reports address and is a documented gang member. Subject must register as a gang member

SYSTEMATIC SEARCH

- [HTTPS://YOUTU.BE/KUQWLSOW0Ys](https://youtu.be/KuQWLSOW0Ys)
- [HTTPS://YOUTU.BE/CzLGKvU1G80](https://youtu.be/CzLGKvU1G80)

San Diego County Probation



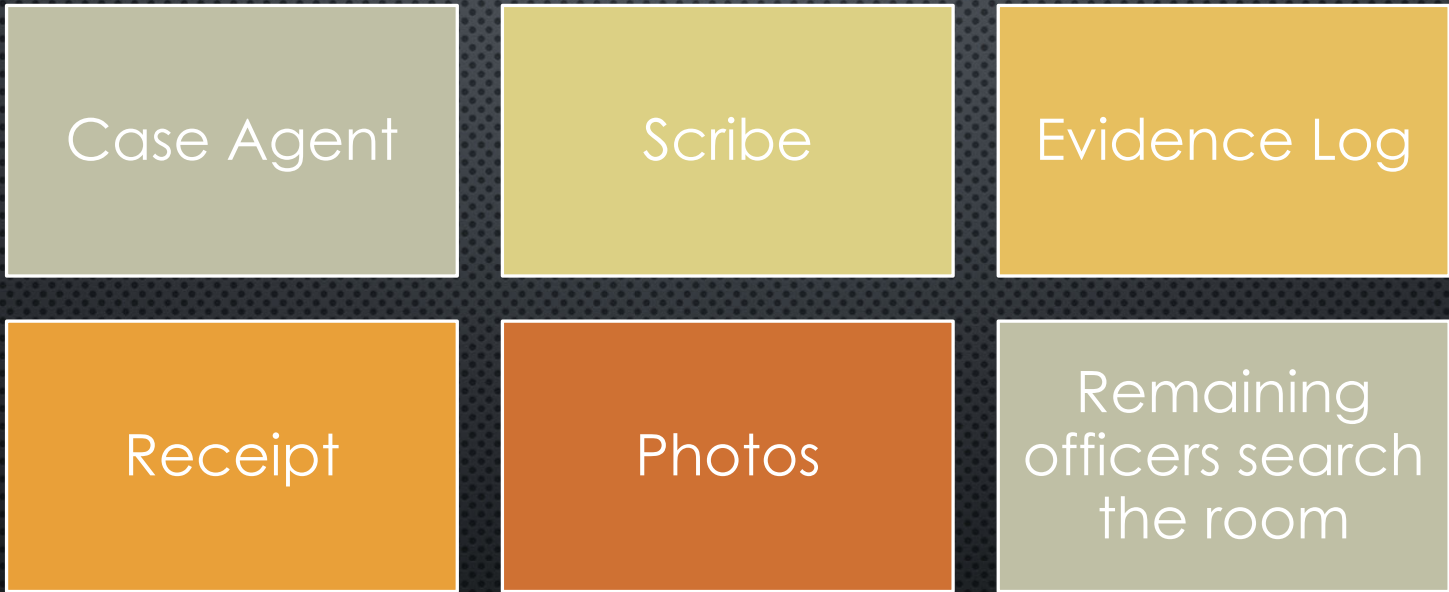
VEHICLE SEARCH

San Diego County Probation

OFFICER'S APPROACHING RESIDENCE/ VEHICLE

San Diego County Probation

SEARCH ACTIVITY



"THE RULES OF EVIDENCE"

BEST EVIDENCE, EXCLUSIONARY RULE, FRUIT OF THE POISON TREE



REAL EVIDENCE



DEMONSTRATIVE
EVIDENCE



DOCUMENTARY
EVIDENCE



TESTIMONIAL
EVIDENCE

DISCUSS AS A GROUP THE FOLLOWING

- INFORMATION NEEDED FOR A SEARCH
- STEPS BEFORE A SEARCH
- THE SEARCH PLAN
- SAFETY EQUIPMENT NEEDED FOR A SEARCH
- PLANNING THE APPROACH
- UNIVERSAL SAFETY PRECAUTIONS

San Diego County Probation