

**Cleveland Division of Police**

**2023 CPC Training**

**June 3, 2023**

**Topic:** Search and Seizure

**Presenter:** Kenneth Ryan, Lieutenant

**Time:** 1 hour

**Location:** CPC Office, 3631 Perkins Avenue, 4th Floor, Cleveland, OH 44114

**Handouts:** N/A

**I. Policy**

- a. The Division implemented five new and/or updated policies in 2020
  - i. Investigatory stops
  - ii. Search and seizure
  - iii. Miranda Warning and waiver
  - iv. Strip searches and body cavity searches
  - v. Probable cause/warrantless arrest
  - vi. Stop forms-2021
- b. This is the first time policies have been updated since 2002

**II. Training**

- a. Pursuant to this policy training, the Training Section implemented a combination of training. This included
  - i. Learning management system (LMS) assignment
  - ii. Lecture training co-instructed by the Training Section and City of Cleveland Prosecutor's office attorney
  - iii. Scenario based training including role playing structured to enhance the students understanding of the policies

- b. In 2021 the Training Section provided a combination of lecture based training co-instructed with a Cuyahoga County Prosecutor's office attorney and Training Section instructor
    - i. The lecture period was designed to increase the officer's understanding of the policy and warrant requirements of the United States Constitution
    - ii. Scenario based training was also provided during this training event
      - 1. A video was filmed by Training Section instructors with the assistance of TV20
      - 2. A table top exercise was completed with scenarios to strengthen the lecture material
  - c. Integrated Reality Based Training
    - i. Since 2021, search and seizure was integrated into every scenario that the Training Section provides
    - ii. As officers have to understand the United States Constitution, state and city ordinance and Division policy, tenants of search and seizure was added to the curriculum of every lesson plan and curriculum to supplement an officers understanding of the material
- III. High level Overview of Divisional Policy
- a. Investigatory stops
    - i. Police civilian encounters
    - ii. Investigatory stops, how this is determined by the officer, legal and policy considerations and basis for stops
    - iii. Articulation of reasonable suspicion
    - iv. Police conduct during stops
      - 1. Scope of the stop
      - 2. Officer requirements
    - v. Anonymous tips

- vi. Documentation of stops and utilizing stop forms
- b. Search and seizure
  - i. Searches generally must be made pursuant to a warrant.
  - ii. Exceptions when searches may be made without a warrant:
    - 1. Open view and plain view searches, *plan feel, protective sweep*\*
    - 2. Consent searches
    - 3. Exigent circumstances
    - 4. Pat down/frisks during investigatory stops
    - 5. Custodial searches and other searches incident to arrest
    - 6. Vehicle inventory searches
    - 7. Open fields
- c. Miranda Warnings and Waiver
  - i. Miranda v. Arizona, 384 U.S. 436 (1966)
  - ii. Officers shall provide the Miranda warning when both of the following criteria are met:
    - 1. A suspect is in custody AND
    - 2. The officer is to question or interrogate the suspect about any crime
  - iii. Deaf and hard of hearing
  - iv. Juveniles
- d. Strip searches and body cavity searches
  - i. Per the Ohio Revised Code 2933.32(B)(5), the Chief of Police designates Division members holding the rank of sergeant or above as representatives permitted to give written authorization for strip and body cavity searches in accordance with this order

- e. Strip search
- f. Body cavity search
  - i. Must have warrant
  - ii. Performed by medical professional in medical facility

#### IV. Stop forms

- a. Members shall complete a stop form whenever they conduct an investigatory stop or traffic stop in a public place, whether or not an arrest has occurred or a citation has been issued
- b. Officers shall complete and forward all stop forms using the data collection software as soon as practical but no later than the end of their tour of duty
- c. Approval
- d. Disapproval
  - i. Review all supervisory reports of stops and or searches not supported by reasonable suspicion or probable cause, or were otherwise in violation of CDP policy, or indicated a need for corrective action, policy review, strategy, tactics, or training within seven days of the supervisor's disapproval
- e. Rejection

#### V. Closing and Q/A