



Title: Reality Based Training Scenario #3

Recommended Time: 1 Hour 30 Minutes

Primary Audience: Patrol Officers, Detectives, Supervisors

Module Goal: The purpose of this topic is to teach the basic principles of vehicle stops while employing procedural justice and sound constitutional policing

Required Materials: 2 vehicles, 1 marked zone car, 1 suspect vehicle

Learning Objectives: At the completion of this module, students will be able to:

1. Identify the two legal foundations for traffic stops
2. Demonstrate a proper search incident to arrest
3. Demonstrate a proper vehicle inventory search, including securing valuable objects that were located in the vehicle
4. Demonstrate and recognize opportunities to use procedural justice techniques when interacting with a motorist

Recommended Time Allocation		
	Unit	Recommended Time (minutes)
1	Large group discussion	15
2	Active scenario participation	30
3	Group Scenario Debrief	15
Total		90 minutes

REFERENCES

1. OPOTA Stops and Approaches 8-5
2. Cleveland Police General Order Vehicle Tow and Release 8.2.01
3. Cleveland Police General Order Search and Seizure 2.02.02
4. Cleveland Police General Order Bias-Free Policing 1.7.08

COURSE MATERIALS

TEACHING AIDS

_____ Erasable Board/Markers

_____ Easel/Notepads

_____ Lectern/Table

_____ Other:

_____ Student Handouts

INSTRUCTIONAL TECHNIQUES

_____ Lecture

 X Group Discussion

_____ Demonstration

 X Scenario-based Training

 X Individual Exercise

 X Hands-on Techniques

 X Problem Solving

Safety Protocol

Instructor notes:

1. Instructors shall ensure proper signage is posted at the entrance and exit points of the scenario indicating “police training.”
2. The safety check will be a three-tiered check
 - a. Students will ensure they do not have live weapons (check one)
 - b. Students will ensure other students do not have any live weapons (check two)
 - c. The instructor will ensure all students do not have live weapons on them (check three)

Instructor says:

1. All officers are considered safety officers, and everyone is responsible for the safety of the scenario. If you see something dangerous, stop the scenario by informing any instructor/safety officer
2. There will be no physical touching of the role players other than what is immediately necessary for the scenario
3. Scenarios end or are stopped by the whistle, or the instructor gives the stop command of “STOP TRAINING”

Scenario Set-Up

I. Site description

- A. There will be a large group discussion portion of this training that will take place before the practical exercise. This large group discussion period can occur on the pistol range to conserve time.

II. Training Section requirements

- A. The training event will begin as a large group discussion. When the large group discussion is complete, the training will transfer to the pistol range for a practical scenario. The practical scenario needs to be pre-staged.
- B. All Training Section participants will don a yellow traffic vest, whistle, and portable radio
 - i. One lead instructor
 - ii. One Safety officer with a yellow vest
 - iii. One role player
- C. After you give the student officers the radio broadcast, allow the scenario to unfold. Only stop the scenario if there is a safety violation
- D. At the end of the scene, complete the debrief questions. Use the instructor prompts to facilitate the discussion and anchor any discussion with current General Police Orders. When all members complete the scenario hold a large group discussion reinforcing the learning objectives and teaching points you observed.

III. Scenario set up

- A. The scenario will begin by advising officers, “you pulled this vehicle over for a failure to stop at a stop sign. You contacted CCS for a warrant check and were advised the motorist has a warrant for their arrest for VSDL (ORC 2925.11 Possession of controlled substances) and has prior drug trafficking offenses. Officers are expected to arrest the motorist, and perform a thorough inventory search of the vehicle, explain and articulate the reasoning behind any items seized during the inventory of the vehicle.

- B. Officers will be required to complete a vehicle inventory search of a subject's vehicle. The vehicle will contain one simulated (blue) gun and one simulated expensive piece of jewelry or item of high value

I. Integrated Reality-Based Training

I. Introduction

A. Instructor introduction

1. Conduct safety protocol
2. Ensure you have all student officers present

B. Instructor says:

- C. We are going to have a large group discussion. After the large group discussion, each two-officer team will be required to complete a scenario
- D. Each two-officer team will be required to complete all aspects of the assessment sheet

Question to the class, what are the two legal foundations for making a vehicle stop?

Solicit student officer responses. Anchor responses with the below discussion points

E. Probable cause

1. The facts and circumstances are known to the officer that would lead a reasonable person to believe an individual has more likely than not committed or is committing a crime
 - a. For purposes of traffic stops, this means that you witness a traffic or equipment violation
 - b. Remember, you shall have probable cause for a traffic stop or completed misdemeanor

F. Reasonable suspicion

1. An objectively justifiable suspicion that is based on specific and articulable facts or circumstances that justifies an officer stopping an individual that has committed, is committing, or is about to commit an offense. Reasonable suspicion is more than a hunch but less than probable cause. A police officer stopping an individual must be able to point to specific facts or articulable circumstances even though the level of suspicion need not arise to probable

*OPOTA 8-5,
Stops and
approaches*

*Search and
seizure, general
police order
2.02.02*

cause.

- a. When formulating reasonable suspicion, officers may rely on an activity they perceive through their own senses, through information obtained from other credible individuals, or through a combination of both factors.

Large Group Discussion – An officer receives an anonymous tip from radio dispatch that a vehicle in the area of East 105th and Garfield Ave. is selling drugs. The caller states the male driver in a black Civic is selling drugs to people in the area.

Question to the class – Would a traffic stop on this vehicle be appropriate?

Expected responses – No, you cannot make a vehicle or pedestrian stop based on an anonymous tip

G. Search and seizure

1. Under the fourth amendment, a vehicle stop is considered a seizure and must be reasonable. This means reasonable at its inception and must be of reasonable scope and time

- a. You must have probable cause or reasonable suspicion to initiate a traffic stop
- b. The United States Supreme Court ruled that a traffic stop must end when “tasks tied to the traffic infraction are or reasonably should have been completed”
- c. You need to be moving towards completing the citation or waiting for radio to complete the warrant check
- d. Any time outside of the initial law enforcement purpose may be considered unreasonable in light of all the circumstance

2. Vehicle inventory searches

- a. When a vehicle is towed, under state law or city ordinance, an inventory search of the vehicle shall

***Rodriguez v.
United States
(2015)***

<p>be conducted to protect the individual's property, the officers, and others as well as the Division from claims of lost or damaged property resulting from the seizure of the vehicle or items</p> <p>b. Officers shall record vehicle inventory searches using their WCS, including a 360-degree walk-around of the vehicle to be towed.</p> <p>c. Officers shall use the following criteria when an inventory search is conducted:</p> <ul style="list-style-type: none"> i. When a vehicle is in lawful police custody ii. Inventory searches include the entire passenger compartment, glove box, trunk, and containers that can be searched without damaging the property at or near the time the vehicle was lawfully placed within police custody iii. Containers found during an inventory search of a vehicle can be opened if accomplished without damage to the container, and the search is conducted in accordance with Division policy iv. When conducting inventories, officers shall not open locked containers, trunks, glove boxes, or consoles unless they have a key to do so or the vehicle is equipped with an electronic device allowing access to a locked section of the vehicle v. If possible, prior to towing, remove from the vehicle property such as jewelry, cameras, radios, televisions, golf clubs, cellular phones, computers, radar detectors, or other valuables <p>3. Vehicle inventory searches are not a search for evidence. They are a generalized search for valuable objects that will need to be taken and marked, tagged, and entered into district property. This will ensure the safety of the property</p> <p>4. After a vehicle inventory search is completed, contact the tow company and provide them with a copy of the tow</p>	<p><i>General police order, 8.2.01 vehicle tow, and release</i></p>
---	---

	sheet when they arrive on-scene	
H.	Increasing police legitimacy through procedural justice	
	<ol style="list-style-type: none"> 1. As law enforcement professionals, we do not want to start a conflict because of our demeanor 2. Proper demeanor is the key to facilitating a successful vehicle stop 3. When encountering a motorist or passenger in a vehicle, stop, prepare yourself physically and mentally to listen, and compel yourself to focus on what is being said 4. Active listening enables an officer to assign the appropriate meaning to the information being presented, which will avoid unwarranted conflict 5. Having a well thought out plan prior to exiting the vehicle will increase your situational awareness and increase the chance of having a positive interaction with the motorist or passenger 	OPOTA 8-5, Stops and approaches
I.	Vehicle stop procedures refresher	
	<ol style="list-style-type: none"> 1. Although most vehicle stops conclude without any issues, they are one of law enforcement's most dangerous tasks 2. Officers may request identification from passengers of the vehicle. Remember, passengers can lawfully refuse to provide identification unless there is probable cause or reasonable suspicion to believe they committed a crime 3. Vehicle stops can be broken into three distinct components <ol style="list-style-type: none"> a. Beginning <ol style="list-style-type: none"> i. Contact dispatch with the location, vehicle description, and the number of occupants. <ol style="list-style-type: none"> i. This includes running the license plate into field-based reporting ii. Officers should consider the specific location hazards, as well as the potential access by other individuals in the immediate area 	The zone car and subject vehicle should be pre-staged. Use this diagram to set up the vehicles

- ii. Position your zone car in a position that provides safety and cover
- iii. Be aware of environmental factors that may impact the traffic stop.
 - i. This may include low-level light conditions, weather, terrain, and any observable obstacles in the area
- iv. Assess the position and movement of the driver and any other occupants in the vehicle

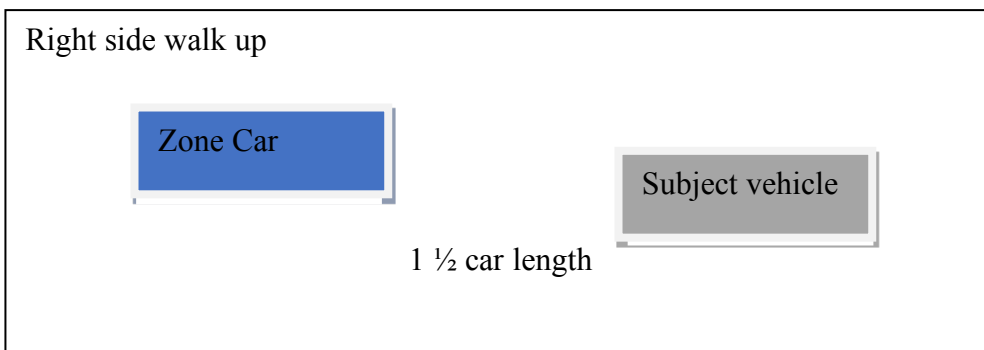
b. Middle

- i. Approaching the suspect vehicle
- ii. Contacting the suspect and reapproaching the vehicle

c. End

- i. Clearing the scene, advising the driver to go about his/her way
- ii. Completing all citations, reports, and stop data collection form

J. Positioning of the vehicle



1. The above diagram is for a right side walk up
2. There is no single way to position a zone car that will account for all possible scenarios an officer may encounter during a vehicle stop

<p>3. The two basic cruiser positions for vehicle stops</p> <ul style="list-style-type: none"> a. 1 – 1 ½ car lengths back and offset to the left with front wheels to the left (i.e., left offset) b. 1 – 1 ½ car lengths back and offset to the right with front wheels to the left (i.e., right offset) (should not be used for the Left-Side Walk-Up Approach) <p>K. A vehicle stop</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>Instructor note,</p> <p>The instructor will demonstrate a vehicle approach using the following guidelines.</p> </div> <ul style="list-style-type: none"> 1. Wait for a break in traffic that will allow time to exit 2. Approach close to the zone car 3. After passing from the bumper of the cruiser, cut in and follow a path aligned with the left side of the suspects' vehicle 4. Monitor actions of the driver and passengers 5. Check the rear seat area to confirm the number of occupants 6. Stay behind the rear or trailing edge of the front door 7. Use a predetermined greeting <ul style="list-style-type: none"> a. Give the motorist your name and badge, the fact that you are a Cleveland police officer, and the fact that they are being recorded b. State the reason for the stop, do not ask, “do you know why I stopped you.” c. Example: “Good Morning/Afternoon/Evening, I am Office Thomas with Cleveland Police, and my wearable camera is recording. The reason I stopped you is because (reason for stop). Is there a valid 	<p><i>Keep watch of Driver and Passengers when returning</i></p>
---	--

reason why that happened? Without reaching for it, where do you keep your license and proof of insurance? Instruct to retrieve documents. State: For your safety and mine, please remain in the vehicle while I check these documents.”

8. When returning to the cruiser, utilize a technique based on the motorist's positioning and traffic patterns that maintain your safety
9. When returning to the vehicle, monitor the motorist and any passengers. Return to the motorist or passengers any information (ID card, proof of insurance, etc.) that you requested
10. Ensure to reinforce positive remarks during closing
 - a. Leaves the individual on a positive note
 - b. Example: “I appreciate your patience and thank you for your cooperation. Please be cautious and safe when pulling off.”

Instructor note,

Ask the class if they have any questions and understand the walk up pattern. Advise them this is a brief review of one type of walk up. We will be increasing traffic stop based integrated reality based training in the future.

L. Integrated reality-based training

1. The goal of reality-based training is to layer training concepts on each other. This is what is expected in the field and when interacting with citizens
 - a. The training concepts that we will be examining
 - i. Use of force, most notably your de-escalation techniques
 - ii. Search and seizure adherence to the constitution and procedurally just police procedures

<p>iii. Bias free policing with an emphasis on procedural justice</p> <p>iv. Community problem-oriented policing</p> <p>2. Scenario</p> <p>M. You initiated a traffic stop for a stop sign violation. During the warrant check, radio dispatch advises you the driver of the vehicle is wanted in connection with a VSDL and has prior drug trafficking convictions.</p> <p>N. Instructor responsibilities</p> <ol style="list-style-type: none"> 1. Ensure the vehicles are pre-staged 2. Student officers will be expected to complete a proper inventory which includes documenting the simulated firearm and jewelry or item of value on the vehicle tow sheet 3. Ensure that there is a simulated (blue) gun in the glove box of the vehicle 4. Ensure there is a simulated piece of expensive jewelry or high-value item in the glove box. 5. Have all two-officer teams complete the inventory search of the vehicle 6. Conduct a debrief with each team <p>O. Student officer responsibilities</p> <ol style="list-style-type: none"> 1. Student officers are expected to use effective communication and request the motorist exit the vehicle 2. The officers shall complete a search incident to arrest. The pockets of the motorist will be empty 3. Student officers shall ensure proper and safe search techniques 4. The motorist will be handcuffed, double-locked, and placed into the back of the zone car 	
--	--

<p>5. The motorist will be seat belted into the zone car</p> <p>6. Student officers shall complete the inventory, including the simulated blue gun and simulated jewelry</p> <p>P. Instructions for role player #1</p> <p>1. When officers approach, you will be irritated and begin to question them again on why they stopped you. You will accuse them of stopping you based on your race and mention that every time you drive through here, you are stopped by the police. You are tired of the police profiling you.</p> <p>a. Responses vary, but the expectation is that officers will articulate the reasoning behind the stop. Officers should reiterate that they do not make any decisions as a result of an individual's demographic category and that the stop is based on the operator's failure to stop at the stop sign.</p> <p>b. If officers provide the explanation expressed above, you will say that you feel picked on and do not like it. However, acknowledge the infraction and express that you do not think it is that big of a deal.</p> <p>c. If officers fail to explain the reasoning behind the stop or provide justification, you are to request to make a complaint.</p> <p>i. Officers should request a supervisor – the instructor will relay that one is not available.</p> <p>ii. According to policy, officers may indicate that they will explain the option to file a complaint with an OPS complaint and provide them with the form.</p> <p>d. At no time are you to be violent or aggressive; just demand to know exactly why you were stopped by officers.</p> <p>2. If officers instruct you out of the vehicle, you are not to be violent or aggressive and comply. However, do not exit the</p>	<p><i>Make a note and discuss during debriefing that demonstrating PJ could prevent complaints.</i></p>
---	---

<p>vehicle until the dialogue above takes place.</p> <ol style="list-style-type: none"> 3. The intention is to have officers remove you from the vehicle and secure you in simulated handcuffs and conduct a pat-down frisk and search incident to an arrest 4. You should not resist or fail to follow any commands 5. If asked, refuse any consent to search the vehicle or your person 6. Officers should remove you from the vehicle, search you and handcuff you <ol style="list-style-type: none"> a. Do not resist in any way b. If officers use the tenets of procedural justice, be calm and cooperative c. If officers do not use tenets of procedural justice, be verbally combative with officers but comply with all orders without physically resisting <p>Q. Debrief questions</p> <ol style="list-style-type: none"> 1. What was your legal basis for the contact? <ol style="list-style-type: none"> a. The motorist was pulled over for a traffic violation. CCS advises the officers the motorist has a warrant for his arrest for VSDL and has a prior conviction for drug trafficking b. The motorist was removed from the vehicle, a search incident to arrest was completed, and the motorist was secured with handcuffs in the back of the zone car 2. What was your threat assessment of the motorist? <ol style="list-style-type: none"> a. The motorist was calm and cooperative, and the threat assessment was low b. Due to the nature of the warrant, the threat assessment was slightly elevated, but the motorist was cooperative 	<p>Worksheet #3</p>
---	----------------------------

<p>3. How did you use procedural justice to slow down the pace of the incident?</p> <p>a. Answers will vary; anchor with the below information</p> <p>i. Four central principles designed to build public confidence in the police by</p> <p>i. Treating people with dignity and respect; means slowing down the pace of the incident and using active listening skills to gain voluntary compliance</p> <p>ii. Giving individuals a chance to be heard during encounters; when receiving information from any subject, allow them to voice any issues or concerns that they have. Remain professional and explain the situation</p> <p>iii. Making decisions fairly and transparently, based on facts; when explaining the law enforcement decision, use as much information that you can to explain why you made that decision</p> <p>iv. Conveying goodwill and trustworthiness; remember every interaction with the Cleveland community is an opportunity to convey police legitimacy and problem-oriented policing. Make all decisions related to law enforcement activities based upon observed behavior, reasonable suspicion, and/or probable cause</p> <p>4. What are your responsibilities when an individual indicates they would like to make a complaint about bias-based policing?</p> <p>a. Responses will vary but anchor the following:</p>	
--	--

<ul style="list-style-type: none"> i. Immediately request a supervisor to the scene ii. Explain that a supervisor will respond <ul style="list-style-type: none"> i. Officers cannot extend duration solely to await the arrival of a supervisor iii. Remain at the location until the supervisor arrives iv. If the individual does not want to wait or the supervisor is unable to respond, explain the option to file a complaint with OPS and provide a form to the individual. <p>5. Is there anything else that you would have done differently?</p> <ul style="list-style-type: none"> a. Responses will vary but may include <ul style="list-style-type: none"> i. Calling another zone car for more backup ii. Finding a safer (alternative) location for the traffic stop to occur <p>6. Are you able to search the vehicle under the search incident to arrest?</p> <ul style="list-style-type: none"> a. The expected response is no. Arizona v. Gant directs that once a subject is secured away from the vehicle, officers may not conduct a search of that vehicle incident to the arrest. <p>7. Can you conduct an inventory search of the vehicle?</p> <ul style="list-style-type: none"> a. The expected response is yes. The CDP policy directs that officers shall conduct an inventory search of vehicles that are being impounded or taken into police custody <p>8. What items were collected during the inventory search of the vehicle?</p> <ul style="list-style-type: none"> a. Officers are expected to collect the firearm and the item of value, as the intention of an inventory search is to collect items of value and protect both 	
---	--

the subjects and the Divisions interests and accurately document these items

9. Can the collected firearm be used as evidence in a crime when seized under a lawful inventory search?

- a. The expected response is yes. The instructor should reinforce that inventory searches must be lawfully conducted within policy in order for items seized to be used as evidence of a crime.
- b. Inventory searches may not be used as a means to search for evidence or as a ruse to gain access to a vehicle and search for evidence.

Dismiss the officers from the scenario. Advise the officers to go to the secondary staging area and complete the required worksheet. After all two officer teams complete the scenario, facilitate a large group discussion with all participants.

II. Worksheet #3

Scenario

Read the following scenario and answer the below questions. When all officers complete the scenario, the lead instructor will go over all the answers.

- While on patrol, you witness a motorist run a red light and fail to signal a right-hand turn. You activate your wearable camera system and overhead lights. The driver pulled over to the side of the road.

1. Is this a traffic stop based on probable cause?

- Upon the approach of the driver, the driver states that he does not have a valid driver's license. You remove the driver from the vehicle. The driver is calm and cooperative and tells you this is not his car. He states this is his wife's car, and she is coming to pick it up.

2. When are you required to release a vehicle and cancel the tow? (hint- There are five reasons to cancel the tow per policy)

3. The motorist's wife does not arrive to get the vehicle. You have to tow the vehicle because it is impeding the flow of traffic where it is parked. You will be completing an inventory search. During the inventory search of the vehicle, can you open a locked container found in the vehicle.

III. Worksheet #3-Instructor Key

Scenario

Read the following scenario and answer the below questions. When all officers complete the scenario, the lead instructor will go over all the answers.

- While on patrol, you witness a motorist run a red light and fail to signal a right-hand turn. You activate your wearable camera system and overhead lights. The driver pulled over to the side of the road.
1. Is this a traffic stop based on probable cause?
 - Upon the approach of the driver, the driver states that he does not have a valid driver's license. You remove the driver from the vehicle. The driver is calm and cooperative and tells you this is not his car. He states this is his wife's car, and she is coming to pick it up.
 2. When are you required to release a vehicle and cancel the tow? (hint- There are five reasons to cancel the tow per policy)
 3. The motorist's wife does not arrive to get the vehicle. You have to tow the vehicle because it is impeding the flow of traffic where it is parked. You will be completing an inventory search. During the inventory search of the vehicle, can you open a locked container found in the vehicle and what consideration must be given when opening the container?
-
-

Assessment Sheet

Name: _____

Badge: _____

Assessment Questions		Yes	No	Remediated
Prior to exiting the zone car				
1	Did Officers request additional information?			
	Introduction	Yes	No	Remediated
2	Did officers activate body cameras? (4.06.04)			
3	Did officers identify themselves by names? (1.07.08)			
4	Did officers provide badge number? (1.07.08)			
5	Did officers advise that the body cam is recording? (4.06.04)			
6	Did officers tell the motorist why they were there? (1.07.08)			
	Encountering of the suspect	Yes	No	Remediated
10	Did officers provide an introduction to the suspect (1.07.08)			
11	Did officers make attempts to de-escalate subject (2.01.02)			
12	Did the officers take steps to appropriately use procedural justice during the interaction (1.07.08)			
13	* Slow the situation down			
14	Did the officer complete a proper vehicle inventory search?			
15	Did officers confiscate the jewelry for safekeeping?			
	Arrest	Yes	No	Remediated
16	Did officer(s) search subject? (2.02.02)			
17	* What type of search(s) took place (search incident to arrest)			
19	Did officers accurately and completely articulate the reasonable suspicion and probable cause in the report?			