

Performance Outcome 2. 1.

Respond to request for service by determining whether the facts are civil or criminal.

Training Objectives Relating to 2. 1.

A. Given a written exercise, identify actions as civil or criminal matters.

Criteria: The trainee shall be tested on the following:

- 2.1.1. Define civil matter as an act that neither affects the common interest nor the community, nor does it violate a law or ordinance.
- 2.1.2. Define criminal matter as a violation of any law or ordinance that subjects the offender to public punishment.
- 2.1.3. Evaluate facts of a situation to determine if it is a civil or criminal matter by complying with statutory definitions of civil vs. criminal.
- 2.1.4. Identify the resources for assistance in a civil matter.
- 2.1.5. Identify parameters for use of discretion by a law enforcement officer relating to a violation of law.

Lesson Plan Guide: The lesson plan shall include the following:

1. Define civil matter as an act that neither affects the common interest nor the community, nor does it violate a law or ordinance.
Case reference: Commonwealth v. Webb, 27 Va. (6 Rand.) 726 (1928).
2. Define criminal matter as a violation of any law or ordinance that subjects the offender to public punishment.
Case reference: Jernigan v. Commonwealth, 104 Va. 850, 52 SE 361 (1905).
3. Evaluate facts of a situation to determine if it is a civil or criminal matter by complying with statutory definitions of civil vs. criminal.
4. Identify the resources for assistance in a civil matter.
 - a. The person may go to the clerk of the district court or an attorney for assistance.
5. Identify parameters for use of discretion by a law enforcement officer relating to a violation of law.

Instructor Note: Advise trainees that they must identify department policy relating to explaining a violation of county or municipal ordinances that is the basis for a summons to the violator. Advise trainees that they must identify department policy relating to use of discretion regarding a violation of law.

Performance Outcome 2. 2.

Research and acquire necessary information from relevant legal materials.

Training Objectives Related to 2. 2.

A. Given a written or practical exercise, identify crimes, code sections, classes of felonies and classes of misdemeanors.

Criteria: The trainee shall be tested on the following:

- 2.2.1. Given a written or practical exercise where the trainee is given the facts of a crime, identify the crime and code section using the Code of Virginia.
- 2.2.2. Given a written exercise, identify the classes of felonies and their punishments.
- 2.2.3. Given a written exercise, identify the classes of misdemeanors and their punishments.

Lesson Plan Guide: The lesson plan shall include the following:

1. The types of laws and general subjects contained within the Code of Virginia.
 - a. Identify the classes of felonies and their punishments.
 - b. Identify the classes of misdemeanors and their punishments.
 - c. Differentiate between actual and attempted felonies and misdemeanors.
2. Index to the Code of Virginia
3. The impact of case law on statutory law
4. The difference between common law and statutory law

Performance Outcome 2.3

Identify legal documents as civil or criminal in nature to determine the correct law enforcement response.

Training Objectives Related to 2.3

- A. Given a written or practical exercise, identify court and legal documents as civil or criminal in nature and determine the correct law enforcement response.

Criteria: The trainee shall be tested on the following:

2.3.1. Family Abuse Orders

2.3.1.1. Emergency Protective Orders (including telephonic orders)

2.3.1.2. Preliminary Protective Orders

2.3.1.3. Permanent Protective Orders

2.3.2. Lease

2.3.3. Mental Health Involuntary Commitment Orders

2.3.3.1. Emergency Commitment Order

2.3.3.2. Temporary Detention Order

Lesson Plan Guide: The lesson plan shall include the following:

1. Family Abuse Orders
 - a. Emergency Protective Orders (including telephonic orders)
 - b. Preliminary Protective Orders
 - c. Permanent Protective Orders
2. Lease
3. Mental Health Involuntary Commitment Orders
 - a. Emergency Commitment Order
 - b. Temporary Detention Order
4. Consult with supervisor if uncertain about any court or legal document.

Instructor Note: Advise trainees that they must identify filing and record-keeping procedures for court and legal documents within their department as part of their department training.

Performance Outcome 2. 4.

Obtain an arrest warrant from proper authority.

Training Objectives Related to 2. 4.

A. Given a written or practical exercise, identify the proper authority from whom to obtain an arrest warrant, the information that must be presented to support a warrant, and return requirements.

Criteria: The trainee shall be tested on the following:

- 2.4.1. Identify the proper authorities from which an arrest warrant may be obtained according to 19.2 -71 and Rule 3A:3 of the Rules of the Supreme Court of Virginia
- 2.4.2. Identify the information that must be provided to support a warrant
- 2.4.3. Return arrest warrant conforming to statutory requirements
- 2.4.4. Circumstances under which a felony warrant may be issued by a magistrate on a citizen complaint.

Lesson Plan Guide: The lesson plan shall include the following:

1. The proper authorities from which an arrest warrant may be obtained according to 19.2 -71 and Rule 3A:3 of the Rules of the Supreme Court of Virginia
 - a. Judge
 - b. Clerk of any circuit, general district, or family court
 - c. Magistrate
2. The information that must be provided to support a warrant
 - a. The crime
 - b. The facts that support probable cause
 - c. How these facts relate to the suspect(s)
3. Return of arrest warrant conforming to statutory requirements
 - a. Officer endorsement of the warrant
 - b. Return to a judicial officer with authority to grant bail
4. Circumstances under which a felony warrant may be issued by a magistrate on a citizen complaint.

Performance Outcome 2. 5.

Answer questions regarding the progress of a case according to rules of privacy and security controlling access to records.

Training Objectives Relating to 2. 5.

A. Given a written exercise, identify basic laws governing rules of privacy and security to control access to records.

Criteria: The trainee shall be tested on the following:

2.5.1. Freedom of Information Act principles

2.5.2. Privacy Act principles

2.5.3. Statutes relating to criminal history records/juvenile information

2.5.4. Statutes relating to release of information through NCIC or VCIN

Lesson Plan Guide: The lesson plan shall include the following:

1. Freedom of Information Act principles (§§2.2-3704, 2.2-3705.2, 2.2-3706, and 2.2-3714)
2. Privacy Act principles (§2.2-3800)
3. Statutes relating to criminal history records/juvenile information (§§15.2-1722, 16.1-300, 19.2- 389, and 19.2-389.1)
4. Statutes relating to release of information through NCIC or VCIN (§§19.2-389 and 19.2- 389.1)

Performance Outcome 2. 6.

Take juvenile offenders into custody.

Training Objectives Relating to 2. 6.

A. Given a written exercise, identify constitutional and Code of Virginia requirements for taking juvenile offenders into custody.

Criteria: The trainee shall be tested on the following:

- 2.6.1. Define child in need of services and child in need of supervision with Code citations (§16.1-228)
 - 2.6.1.1. Purpose and intent of juvenile law
 - 2.6.1.2. Child in need of supervision or delinquent child
- 2.6.2. Identify the only instances when a juvenile may be taken into immediate custody according to Code
 - 2.6.2.1. With a written detention order
 - 2.6.2.2. When the juvenile is in need of services and there is a clear danger to the child's life or health
 - 2.6.2.3. For a crime committed in the officer's presence and the officer believes it necessary for the protection of the public
 - 2.6.2.4. For (i) shoplifting, (ii) assault and battery, and (iii) weapon on school property
 - 2.6.2.5. When the juvenile has committed an offense which would be a felony if committed by an adult
 - 2.6.2.6. Runaway or escape from a residential child care facility or home where placed by the Courts or other agency
 - 2.6.2.7. When the juvenile is in need of inpatient treatment for mental illness
 - 2.6.2.8. Runaway from home or where there is no adult supervision at such hours and under such circumstances where there is a substantial danger to the child's welfare
 - 2.6.2.9. Curfew violations
- 2.6.3. Identify the two instances in which a warrant may be issued for a juvenile by a magistrate
 - 2.6.3.1. On an appeal from a decision of an intake officer

- 2.6.3.2. When a juvenile is in need of services or delinquent and the court is not open or intake officer is not reasonably available, which means neither the judge nor the intake officer could arrive within one hour after contacted.
- 2.6.4. Identify the procedures to be taken after a juvenile has been placed in custody
 - 2.6.4.1. When in custody by way of written petition, take juvenile before judge or intake officer
 - 2.6.4.2. When in custody by reason of need of services, protection of the public, or shoplifting, take juvenile before intake officer
 - 2.6.4.3. Warrant is to be delivered forthwith to the Juvenile & Domestic Relations Court
 - 2.6.4.4. Summonses to be given to child and parents and/or guardians
- 2.6.5. Identify the requirements for the separation of juveniles from other prisoners
 - 2.6.5.1. Child must be kept entirely separate and removed from adult jail population
 - 2.6.5.2. Child must be transported separately from adults
- 2.6.6. Identify the requirement of advising a juvenile of his/her constitutional rights when conducting a custodial interrogation:
 - 2.6.6.1. Juvenile to be advised of right to counsel
 - 2.6.6.2. Same Miranda rights apply as to those of adults, except it is recommended that parent/guardian be present if possible.
 - 2.6.6.3. Statements given at intake are NOT admissible

Lesson Plan Guide: The lesson plan shall include the following:

1. Define child in need of services and child in need of supervision with Code citations (§16.1-228)
 - a. Purpose and intent of juvenile law, §16.1-227
 - b. Child in need of supervision or delinquent child, §16.1-228
2. The only instances when a juvenile may be taken into immediate custody according to Code §16.1-246:
 - a. With a written detention order
 - b. When the juvenile is in need of services and there is a clear danger to the child's life or health
 - c. For a crime committed in the officer's presence and the officer believes it necessary for the protection of the public
 - d. For (i) shoplifting, (ii) assault and battery, and (iii) weapon on school property
 - e. When the juvenile has committed an offense that would be a felony if committed by an adult
 - f. Runaway or escape from a residential child care facility or home where placed by the Courts or other agency
 - g. When the juvenile is in need of inpatient treatment for mental illness
 - h. Runaway from home or where there is no adult supervision at such hours and under such circumstances where there is a substantial danger to the child's welfare
 - i. Curfew violations
3. The two instances in which a warrant may be issued for a juvenile by a magistrate (§16.1-256):
 - a. On an appeal from a decision of an intake officer
 - b. When a juvenile is in need of services or delinquent and the court is not opened or intake officer is not reasonably available, (meaning neither the judge nor the intake officer could arrive within one hour after contacted)
4. The procedures to be taken after a juvenile has been placed in custody (§16.1-260 and 16.1-247):
 - a. When in custody by way of written petition, take juvenile before judge or intake officer
 - b. When in custody by reason of need of services, protection of the public, or shoplifting, take juvenile before intake officer
 - c. Warrant is to be delivered forthwith to the J & DR Court
 - d. Summonses to be given to child and parents and/or guardians (§16.1-263)

- e. Fingerprinting and photographing juveniles (§16.1-299)

- 5. The requirements for the separation of juveniles from other prisoners (§16.1-249(E) and 16.1-254):
 - a. Child must be kept entirely separate and removed from adult jail population
 - b. Child must be transported separately from adults

- 6. The requirement of advising a juvenile of his/her constitutional rights when conducting a custodial interrogation (§16.1-263):
 - a. Juvenile to be advised of right to counsel
 - b. Same Miranda rights apply as to those of adults, except it is recommended that parent/guardian be present if possible.
 - c. Statements given at intake are NOT admissible (§16.1-261)

Instructor Note: Advise trainees that they will need to identify department policy and procedure related to handling juvenile complaints and treatment of juvenile offenders as part of department training.

***Special Note: In 2004, the Code of Virginia was amended to require that all duly constituted police authorities shall take fingerprints and photographs of any juvenile who is taken into custody and charged with a delinquent act for which, if committed by an adult, is required to be reported to the Central Criminal Records Exchange pursuant to subsection A of §19.2-390.**

Performance Outcome 2. 7.

Serve mental health commitment papers.

Training Objectives Relating to 2. 7.

- A. Given a written exercise, identify Code of Virginia requirements for serving mental health commitment papers (emergency custody orders or temporary detention orders only).

Criteria: The trainee shall be tested on the following:

- 2.7.1. Define emergency custody orders and temporary detention orders and situations in which these would be utilized.
- 2.7.2. Identify persons having authority to issue an emergency custody order or temporary detention order.
- 2.7.3. Identify procedures for emergency custody order or temporary detention order return of service.

Lesson Plan Guide: The lesson plan shall include the following:

1. Definition of emergency custody orders and temporary detention orders and situations in which these would be utilized.
2. Identification of persons having authority to issue an emergency custody order or temporary detention order (judge or magistrate).
3. Procedures for emergency custody order or temporary detention order return of service.
 - a. Return service promptly to the clerk's office stating the date and manner of service and to whom service was made
4. Service of mental health commitment papers is the same as service and return of any other civil judicial process.
5. Service is not restricted but is applicable statewide (§8.01-292)
6. Copy of papers must be served to the person to be committed or to a person found at the normal place of abode (§37.2-808 and 37.2-809)
7. Emergency commitments (involuntary detention), (§§37.2-808, 37.2-809, 37.2-810)

Instructor Note: Advise trainees that they must identify department policy related to administrative handling of cases involving mental illness/abnormal behavior as part of their department training.

Performance Outcome 2. 8.

Apply knowledge of law related to a death.

Training Objectives Relating to 2. 8.

A. Given a written exercise, identify elements of crimes relating to death.

Criteria: The trainee shall be tested on the following:

2.8.1. Define various types of crimes related to death with elements of the crime and Code citations:

- 2.8.1.1. Capital murder
- 2.8.1.2. First and second degree murder
- 2.8.1.3. Felony homicide
- 2.8.1.4. Voluntary manslaughter
- 2.8.1.5. Involuntary manslaughter

2.8.2. Define suicide

Lesson Plan Guide: The lesson plan shall include the following:

1. Define various types of crimes related to death with elements of the crime and Code citations:
 - a. Capital murder, §18.2-31
 - b. First and second degree murder, §18.2-32 (case law definitions)
 - c. Felony homicide, §18.2-33
 - d. Voluntary manslaughter, §18.2-35
 - e. Involuntary manslaughter, §18.2-36

2. Define suicide

Performance Outcome 2. 9.

Apply knowledge of law related to a rape or sexual assault.

Training Objectives Relating to 2. 9.

A. Given a written exercise, identify the elements of and crime classifications for various types of sexual assault.

Criteria: The trainee shall be tested on the following:

- 2.9.1. Define various types of sexual assault investigations and crime classifications of the offenses with Code citations.
 - 2.9.1.1. Rape
 - 2.9.1.2. Carnal knowledge of a child age 13 up to age15
 - 2.9.1.3. Forcible sodomy
 - 2.9.1.4. Inanimate sexual object penetration
 - 2.9.1.5. Aggravated sexual battery
 - 2.9.1.6. Sexual battery

Lesson Plan Guide: The lesson plan shall include the following:

1. Define various types of sexual assault investigations, elements of the crimes, and crime classifications of the offenses
 - a. Rape, §18.2-61
 - b. Carnal knowledge of a child age 13 up to age 15, §18.2-63
 - c. Forcible sodomy, §18.2-67.1
 - d. Inanimate sexual object penetration, §18.2-67.2
 - e. Aggravated sexual battery, §18.2-67.3
 - f. Sexual battery, §18.2-67.4

Performance Outcome 2. 10.

Apply knowledge of the law related to robbery.

Training Objectives Relating to 2. 10.

- A. Given a written exercise, identify elements and crime classifications of robbery with Code citations.

Criteria: The trainee shall be tested on the following:

- 2.10.1. Define robbery and the elements of the crime
- 2.10.2. Define carjacking and elements of the crimes.

Lesson Plan Guide: The lesson plan guide should include the following:

1. Define robbery, the elements of the crime, and the punishments. (§18.2-58)
2. Define carjacking, the elements of the crime and the punishments. (§18.2-58.1)

Performance Outcome 2. 11.

Apply knowledge of the law related to felony wounding or misdemeanor assault and battery.

Training Objectives Relating to 2. 11.

A. Given a written exercise, identify elements of and crime classification for felony wounding or misdemeanor assault and battery with Code citations.

Criteria: The trainee shall be tested on the following:

- 2.11.1. Identify elements of felony wounding or battery
- 2.11.2. Identify the elements of misdemeanor assault and battery

Lesson Plan Guide: The lesson plan shall include the following:

1. Identify elements of felony wounding or battery with Code citations:
 - a. Malicious wounding or battery (§18.2 - 51)
 - b. Unlawful wounding
 - (1). Shoot, stab, cut, wound, or cause bodily injury
 - (2). With intent to maim, disfigure, disable, or kill
 - (3). With malice vs. unlawful
2. Identify the elements of misdemeanor assault and battery
 - a. Assault: an attempted battery, or threat with the present ability to carry out the threat
 - b. Battery: any rude, angry, or vengeful touching; unlawful touching of persons the age of 13 or over may constitute common law assault and battery (cross-reference sexual battery)

Performance Outcome 2. 12.

Apply knowledge of the law related to a residential, commercial, or industrial burglary.

Training Objectives Relating to 2. 12.

A. Given a written exercise, identify elements of and crime classifications for a residential, commercial, or industrial burglary.

Criteria: The trainee shall be tested on the following:

2.12.1. Identify categories related to burglary offenses and the elements of the crimes with Code citations.

2.12.2. Identify elements of trespassing

2.12.3. Identify elements of unlawful entry

Lesson Plan Guide: The lesson plan shall include the following:

1. Identify categories related to burglary offenses and the elements of the crimes with Code citations:
 - a. Burglary, §18.2-89
 - b. Entering dwelling house with intent to commit murder, rape, or robbery, §18.2-90
 - c. Entering dwelling house with intent to commit larceny, assault and battery or other felony, §18.2-91
 - d. Breaking and entering dwelling house with intent to commit assault or other misdemeanor, §18.2-92
 - e. Possession of burglarious tools, etc., §18.2-94
2. Identify elements of trespassing §18.2-119 to 18.2-136.1
3. Identify elements of unlawful entry §18.2-121

Performance Outcome 2. 13.

Apply knowledge of the law related to a larceny, motor theft, extortion, and embezzlement.

Training Objectives for 2. 13.

- A. Given a written exercise, identify the elements and crime classifications of larceny, attempted or actual motor vehicle theft, extortion, and embezzlement with Code citations.

Criteria: The trainee shall be tested on the following:

- 2.13.1. Define various types of larceny and elements of the crimes.
- 2.13.2. Distinguish between larceny of a vehicle, unauthorized use of a vehicle and embezzlement of a vehicle.
- 2.13.3. Define the elements of the crime of receiving, concealing, or buying stolen property.
- 2.13.4. Identify punishments associated with the crime of receiving, concealing or buying stolen property.
- 2.13.5. Define extortion and elements of the crime.
- 2.13.6. Identify punishments associated with the crime of extortion.
- 2.13.7. Define embezzlement and elements of the crime.
- 2.13.8. Identify punishments associated with the crime of embezzlement.

Lesson Plan Guide: The lesson plan shall include the following:

1. Define various types of larceny and elements of the crimes with Code citations:
 - a. Grand larceny, §18.2-95
 - (1.) Distinguish between grand larceny of a vehicle, unauthorized use, and embezzlement, §18.2-102, §18.2-108
 - b. Petit larceny, §18.2-96
 - (1). Third offense a felony
 - c. Shoplifting and concealing merchandise
2. Define the elements of the crime involving stolen property with Code citations,
 - a. Concealing stolen property, §18.2-108
 - b. Shoplifting, §18.2-103-105.
 - c. Distinguish between the presumption of larceny arising from recent unexplained possession of stolen property and the crime of receiving, buying or concealing stolen property.
3. Identify punishments associated with the crime of larceny.
 - a. Felony if value is equal to or greater than \$200
 - b. Misdemeanor if value is less than \$200
 - c. Subsequent offenses
4. Define extortion and elements of the crime, §18.2-59.
5. Identify punishments associated with the crime of extortion.
6. Define embezzlement and elements of the crime, §18.2-111.
7. Identify punishments associated with the crime of embezzlement

Instructor Note: Advise trainees that they will need to identify department policy relating to the handling of shoplifting complaints as part of department training.

Performance Outcome 2. 14.

Apply knowledge of the law relating to trespassing, destruction of property/vandalism, or a hate crime.

Training Objectives Relating to 2. 14.

A. Given a written exercise, identify the elements of trespassing/destruction of property/vandalism, and hate crimes with Code citations.

Criteria: The trainee shall be tested on the following:

2.14.1. Define malicious mischief/destruction of property and elements of the crime.

2.14.2. Identify elements of trespassing

2.14.3. Identify enhanced penalties that may accompany certain crimes based on motives.

2.14.4. Identify other crimes to which §18.2-121 may apply

Lesson Plan Guide: The lesson plan shall include the following:

1. Define trespassing and elements of the crime with Code citations
 - a. Damaging property, §18.2-121 and §18.2-137
 - b. Unlawfully destroy, deface, damage, or remove without intent to steal another's property.
2. Class I misdemeanor if less than \$1000 value
3. Class 6 felony if \$1000 or more
4. Identify enhanced penalties that may accompany certain crimes based on motives (§18.2-57, §18.2-420, §18.2-121)
5. Identify other crimes to which §18.2-121 may apply.
6. Identify elements of trespassing §18.2-119 to 18.2-136.1 and §18.2-160.2 related to trespassing on public transportation.

Performance Outcome 2. 15.

Apply knowledge of the law related to suspicious fires.

Training Objectives Relating to 2. 15.

A. Given a written exercise, identify the elements of crimes related to suspicious fires.

Criteria: The trainee shall be tested on the following:

2.15.1. Define arson and elements of the crime.

2.15.2. Define threat or use of illegal explosive devices and elements of the crime.

2.15.3. Identify other offenses involving burning or use of explosive devices.

Lesson Plan Guide: The lesson plan shall include the following:

1. Define arson and elements of the crime with Code citations, §18.2-77 to §18.2-82.
2. Define threat or use of illegal explosive devices and elements of the crime with Code citations, §18.2-83 to §18.2-85.
3. Identify other offenses involving burning or use of explosive devices.

Performance Outcome 2. 16.

Apply knowledge of the law relating to forgery/uttering and counterfeiting.

Training Objectives Relating to 2. 16.

A. Given a written exercise, identify the elements and crime classifications relating to forgery/uttering and counterfeiting.

Criteria: The trainee shall be tested on the following:

2.16.1. Define forgery and uttering and elements of the crime.

2.16.2. Define counterfeiting and elements of the crime.

Lesson Plan Guide: The lesson plan shall include the following:

1. Define forgery and uttering and elements of the crime with Code citations, §18.2-172 .
2. Define counterfeiting and elements of the crime with Code citations, §18.2-170.

Performance Outcome 2. 17.

Apply knowledge of the law relating to fraud.

Training Objectives Relating to 2. 17.

A. Given a written exercise, identify the elements and crime classifications of fraud.

Criteria: The trainee shall be tested on the following:

2.17.1. Define fraud and elements of the crime.

2.17.2. Department of Motor Vehicles Fraud § 46.2-105.2

Lesson Plan Guide: The lesson plan shall include the following:

1. Define fraud and elements of the crime with Code citations, §18.2-186.
2. Department of Motor Vehicles Fraud § 46.2-105.2

Performance Outcome 2. 18.

Apply knowledge of the law relating to a weapons/firearm offenses.

Training Objectives Relating to 2. 18.

A. Given a written exercise, identify the elements and crime classifications relating to weapons/firearms offenses.

Criteria: The trainee shall be tested on the following:

- 2.18.1. Define weapons/firearms offenses and elements of the crimes.
 - 2.18.1.1. Concealed weapons
 - 2.18.1.2. Sawed-off shotguns
 - 2.18.1.3. Possession of firearm by convicted felon
 - 2.18.1.4. Possession of firearm coincident with Schedule I or II drug offense
 - 2.18.1.5. Possession of firearm during commission of a felony
 - 2.18.1.6. Possession of a firearm while under a protective order
 - 2.18.1.7. Possession of ammunition by a convicted felon.
- 2.18.2. Prohibition of purchase of firearm by person adjudicated legally incompetent or mentally incompetent (§18.2-308.2) or involuntarily admitted to an inpatient facility or involuntarily ordered to outpatient treatment and prohibited from purchasing a firearm pursuant to §18.2-308.1.2
- 2.18.3. Prohibition of possession of firearm by person who committed felonies while a juvenile (§18.2-308.2)
- 2.18.4. Prohibition of possession of firearm by persons not lawfully in United States (§18.2-208.2:01)
- 2.18.5. Identify how to determine whether or not a suspect has been subject to involuntary commitment, mandatory outpatient treatment, or been released from voluntary admission after issuance from a temporary detention order and had purchased a weapon, possessed a weapon, or transported a weapon and if so, notify the Central Criminal Records Exchange.
- 2.18.6. Identify how to determine whether or not a suspect is in violation of §18.2-308.2 (juvenile offender records)
- 2.18.7. Identify how to determine if the suspect is in violation of §18.2-308.2:01 (illegal alien restrictions)

Lesson Plan Guide: The lesson plan shall include the following:

1. Define weapons/firearms offenses and elements of the crimes with Code citations,
 - a. Concealed weapons, §18.2-308
 - b. Sawed-off shotguns, §18.2-299 to 18.2-307
 - c. Possession of firearm by convicted felon, §18.2-308.2; (18 USC 921)(a)(30)
 - d. Possession of firearm coincident with Schedule I or II drug offense, §18.2-308.4
 - e. Possession of firearm during commission of a felony, §18.2-53.1
 - f. Possession of a firearm while under a protective order, §18.2-308.1:4
 - g. Possession of a machete (§18.2-308) or brandishing a machete (§18.2-282.1)
 - h. Possession of ammunition by a convicted felon (§18.2-302.2)
2. Prohibition of purchase of firearm by person adjudicated legally incompetent or mentally incompetent (§18.2-308.2) or involuntarily admitted to an inpatient facility or involuntarily ordered to outpatient treatment and prohibited from purchasing a firearm pursuant to §18.2-308.1.2
3. Prohibition of possession of firearm by person who committed felonies while a juvenile (§18.2-308.2)
4. Prohibition of possession of firearm by persons not lawfully in United States (§18.2-208.2:01)
5. Identify the legal basis that allows retired officers in good standing to carry a weapon anywhere in the United States and the procedure for identifying oneself as a retired officer.
6. Identify how to determine whether or not a suspect has been subject to involuntary commitment, mandatory outpatient treatment, or been released from voluntary admission after issuance from a temporary detention order and had purchased a weapon, possessed a weapon, or transported a weapon and if so, notify the Central Criminal Records Exchange.
7. Identify how to determine whether or not a suspect is in violation of §18.2-308.2 (juvenile offender records)
8. Identify how to determine if the suspect is in violation of §18.2-308.2:01 (illegal alien restrictions)

Performance Outcome 2. 19.

Apply knowledge of the law relating to prostitution and sex offenses.

Training Objectives Relating to 2. 19.

A. Given a written exercise, identify the elements of and crime classifications relating to prostitution and other sex offenses.

Criteria: The trainee shall be tested on the following:

- 2.19.1. Define sex offenses and elements of the crimes.
 - 2.19.1.1. Fornication
 - 2.19.1.2. Lewd and lascivious cohabitation
 - 2.19.1.3. Keeping, residing in or frequenting a bawdy place
 - 2.19.1.4. Aiding prostitution or illicit sexual intercourse
 - 2.19.1.5. Using vehicles to promote prostitution or unlawful sexual intercourse
 - 2.19.1.6. Receiving money for procuring person
 - 2.19.1.7. Receiving money from earnings of male or female prostitute
 - 2.19.1.8. Transporting person for purpose of a sex offense
 - 2.19.1.9. Crimes against nature
- 2.19.2. Define sex offenses against children and elements of the crime (§18.2-370 through §18.2-371)
- 2.19.3. Identify components of unlawful filming, videotaping or photographing of another (§18.2-386.1)

Lesson Plan Guide: The lesson plan shall include the following:

1. Define sex offenses and elements of the crimes.
 - a. Fornication, §18.2-344
 - b. Lewd and lascivious cohabitation, §18.2-345
 - c. Keeping, residing in or frequenting a bawdy place, §18.2-347
 - d. Aiding prostitution or illicit sexual intercourse, §18.2-346 -- §18.2-348
 - e. Using vehicles to promote prostitution or unlawful sexual intercourse, §18.2-349
 - f. Receiving money for procuring person, §18.2-356
 - g. Receiving money from earnings of male or female prostitute, §18.2-357
 - h. Transporting person for purpose of a sex offense, §18.2-348
 - i. Crimes against nature, §18.2-361
2. Define sex offenses against children and elements of the crime (§18.2-370 through §18.2-371)
3. Identify components of unlawful filming, videotaping or photographing of another (§18.2-386.1)

Performance Outcome 2. 20.

Apply knowledge of the law relating to gambling.

Training Objectives Relating to 2. 20.

- A. Given a written exercise, identify the elements of crime classifications relating to gambling offenses.

Criteria: The trainee shall be tested on the following:

- 2.20.1. Define gambling and elements of the crime.

Lesson Plan Guide: The lesson plan shall include the following:

1. Define gambling and elements of the crime, §18.2-325

Performance Outcome 2. 21.

Apply knowledge of the law relating to controlled substances.

Training Objectives Relating to 2. 21.

- A. Given a written exercise, identify the elements of and crime classifications relating to controlled substances.

Criteria: The trainee shall be tested on the following:

- 2.21.1. Define controlled substances and elements of the crimes.

Lesson Plan Guide: The lesson plan guide should include the following:

1. Define controlled substances and elements of the crimes, §18.2-248 to §18.2-265.

Performance Outcomes 2. 22.

Apply knowledge of the law relating to disorderly conduct.

Training Objectives Relating to 2. 22.

A. Given a written exercise, identify the elements relating to disorderly conduct.

Criteria: The trainee shall be tested on the following:

- 2.22.1. Define disorderly conduct and identify elements of the crime.
- 2.22.2. Distinguish between disorderly conduct and breach of the peace.
- 2.22.3. Distinguish between Code of Virginia and local ordinances.
- 2.22.4. Identify offenses related to use of profane, threatening or indecent language over public airways or by computer or text.
- 2.22.5. Describe the relationship between disorderly conduct and all other provisions of Title 18.2 as set out in *Battle v. Commonwealth*, 50 Va. App. 135 (2007).

Lesson Plan Guide: The lesson plan shall include the following:

1. Define disorderly conduct and identify elements of the crime with Code citations, §18.2-415
2. Distinguish between disorderly conduct and breach of the peace. Breach of the peace is a more general phrase and referenced in the Code in a variety of places: §8.01-45, §18.2-416, §18.2-417, §18.2-464, §18.2-463.
3. Distinguish between Code of Virginia and local ordinances as appropriate.
4. Identify offenses related to use of profane, threatening or indecent language over public airways or by computer or text.
5. Describe the relationship between disorderly conduct and all other provisions of Title 18.2 as set out in *Battle v. Commonwealth*, 50 Va. App. 135 (2007).

Performance Outcome 2.23. is retired. Key components were moved to other standards.

Performance Outcome 2. 24.

Apply knowledge of the law relating to stalking.

Training Objectives Relating to 2. 24.

A. Given a written exercise, identify the elements of stalking.

Criteria: The trainee shall be tested on the following:

2.24.1. Define stalking and identify elements of the crime with Code citations.

Lesson Plan Guide: The lesson plan shall include the following:

1. Define stalking and identify elements of the crime with Code citations.
§18.2-60.3

Performance Outcome 2. 25.

Apply knowledge of the law relating to establishing local ordinances.

Training Objectives Relating to 2. 25.

- A. Given a written exercise, identify the Code related to establishing local ordinances.
- B. Given a written exercise, identify the Code providing localities the authority to establish local ordinances relating to loitering and curfews.

Criteria: The trainee shall be tested on the following:

- 2.25.1. Identify the Code citation enabling local counties, cities, and towns to establish local ordinances.
- 2.25.2. Identify the Code citation enabling local counties, cities, and towns to establish local ordinances that affect loitering and curfew violations.

Lesson Plan Guide: The lesson plan shall include the following:

1. Identify the Code citation enabling local counties, cities, and towns to establish local ordinances. (§15.2-1425) (§15.2-1429)
2. Identify the Code citation enabling local counties, cities, and towns to establish local ordinances that affect loitering/curfew violations. (§15.2 –926)

Performance Outcome 2. 26.

Apply knowledge of the law relating to firearm related incidents.

Training Objectives Relating to 2. 26.

A. Given a written exercise, identify elements of crimes relating to firearms incidents.

Criteria: The trainee shall be tested on the following:

- 2.26.1. Identify possible crimes associated with firearms with Code citations
 - 2.26.1.1. Reckless handling of a firearm
 - 2.26.1.2. Discharge of a firearm in an occupied dwelling
 - 2.26.1.3. Brandishing a firearm
 - 2.26.1.4. Hunting while under the influence of alcohol
 - 2.26.1.5. Shooting near a roadway
 - 2.26.1.6. Failure to secure weapons resulting in injury to a child

Lesson Plan Guide: The lesson plan shall include the following:

1. Identify possible crimes associated with firearms with Code citations
 - a. Reckless handling of a firearm, §18.2-56.1
 - b. Discharge of a firearm in an occupied dwelling, §18.2 - 279
 - c. Brandishing a firearm, §18.2-282
 - d. Hunting while under the influence of alcohol, §18.2 - 285
 - e. Shooting near a roadway, §18.2 - 286
 - f. Failure to secure weapons resulting in an injury to a child, §18.2-56.2

Performance Outcome 2. 27.

Apply knowledge of the law relating to a public drinking violation.

Training Objectives Relating to 2. 27.

A. Given a written exercise, identify criminal violations relating to public drinking violations.

Criteria: The trainee shall be tested on the following:

2.27.1. Open container of alcoholic beverage in motor vehicles

2.27.2. Drinking in a public place

2.27.3. Possession of alcohol by minors

2.27.4. Sale of alcohol to minors

2.27.5. Public intoxication

2.27.6. Possession of alcohol on school grounds

Lesson Plan Guide: The lesson plan shall include the following:

1. Open container of alcoholic beverage in motor vehicles, §18.2-323.1
2. Drinking in a public place, §4.1-308
3. Possession of alcohol by minors, § 4.1-305
4. Sale of alcohol to minors, § 4.1-304
5. Public intoxication, §4.1-308
6. Possession of alcohol on school grounds, §4.1-309

Performance Outcome 2. 28.

Apply knowledge of the law relating to an abducted person.

Training Objectives Relating to 2. 28.

A. Given a written exercise, identify elements of the crimes relating to abducted persons.

Criteria: The trainee shall be tested on the following:

- 2.28.1. Define the various types of criminal violations related to abduction:
 - 2.28.1.1. Abduction as an element of Capital Murder
 - 2.28.1.2. Imprisonment as an element of first degree murder
 - 2.28.1.3. Defining abduction/kidnapping
 - 2.28.1.4. Abduction with intent to extort money or for immoral purposes
 - 2.28.1.5. Abduction by a prisoner
 - 2.28.1.6. Threatening, attempting, or assisting in such abduction
 - 2.28.1.7. Parental abduction
 - 2.28.1.8. Requirement to disclose information and assist law enforcement
 - 2.28.1.9. Emergency control of telephone in hostage situation
 - 2.28.1.10. Abduction with intent to subject a person to forced labor or services

Lesson Plan Guide: The lesson plan shall include the following:

1. Define the various types of criminal violations related to abduction:
 - a. Abduction as an element of Capital Murder, §18.2-31
 - b. Imprisonment as an element of first degree murder, §18.2-32
 - c. Defining abduction/kidnapping, §18.2-47
 - d. Abduction with intent to extort money or for immoral purposes, §18.2-48
 - e. Abduction by a prisoner, §18.2-48.1
 - f. Threatening, attempting, or assisting in such abduction, §18.2-49
 - g. Parental abduction, §18.2 - 49.1
 - h. Requirement to disclose information and assist law enforcement, §18.2-50
 - i. Emergency control of telephone in hostage situation, §18.2 - 50.2
 - j. Abduction with intent to subject a person to forced labor or services, §18.2-47

Performance Outcome 2. 29.

Apply knowledge of the law to crimes related to family abuse or family offenses.

Training Objectives Related to 2. 29.

A. Given a written exercise, identify elements of the crimes related to family abuse or family offenses.

Criteria: The trainee shall be tested on the following:

- 2.29.1. Define the following:
 - 2.29.1.1. family abuse
 - 2.29.1.2. family offenses
 - 2.29.1.3. family or household member

- 2.29.2. Identify the elements of the statutes that provide relevant law
 - 2.29.2.1. (definitions)
 - 2.29.2.2. (jurisdiction)
 - 2.29.2.3. (venue)
 - 2.29.2.4. (preliminary protective order)
 - 2.29.2.5. (preliminary protective orders in cases of family abuse)
 - 2.29.2.6. (violations of provisions of protective orders)
 - 2.29.2.7. (emergency protective orders authorized in cases of family abuse)
 - 2.29.2.8. (criminal jurisdiction; protective orders; family offenses)
 - 2.29.2.9. (protective order in cases of family abuse)
 - 2.29.2.10. (purchase or transportation of firearms by person subject to protective orders)
 - 2.29.2.11. (assault and battery against a household member)
 - 2.29.2.12. (stalking)
 - 2.29.2.13. (arrest without warrant authorized in certain cases)
 - 2.29.2.14. (arrest without a warrant authorized in cases of assault and battery against a family member and for violations of protective orders)
 - 2.29.2.15. (court orders pending suit for divorce, custody, visitation; entry into VCIN)
 - 2.29.2.16. (emergency protective order authorized in cases of stalking)
 - 2.29.2.17. (preliminary protective order authorized in cases of stalking)
 - 2.29.2.18. (protective order authorized in cases of stalking)

Lesson Plan Guide: The lesson plan shall include the following:

1. Definitions for the following:
 - a. family abuse
 - b. family offenses
 - c. household or family member

2. Statutes that provide relevant law
 - a. Definitions, §16.1-228
 - b. Jurisdiction, §16.1-241
 - c. Venue, §16.1-243
 - d. Preliminary protective order, §16.1-253
 - e. Preliminary protective orders in cases of family abuse, §16.1-253.1
 - f. Violations of provisions of protective orders, §16.1-253.2
 - g. Emergency protective orders authorized in cases of family abuse, §16.1-253.4
 - h. Criminal jurisdiction; protective orders; family offenses, §16.1-278.14
 - i. Protective order in cases of family abuse, § 16.1-279.1
 - j. Purchase or transportation of firearms by person subject to protective orders, §18.2-308.1:4
 - k. Assault and battery against a household member, § 18.2-57.2
 - l. Stalking, §18.2-60.3
 - m. Arrest without warrant authorized in certain cases, §19.2-81
 - n. Arrest without a warrant authorized in cases of assault and battery against a family member and for violations of protective orders, §19.2-81.3
 - o. Court orders pending suit for divorce, custody, visitation; entry into VCIN, §20-103
 - p. Emergency protective order authorized in cases of stalking, §19.2-152.8
 - q. Preliminary protective order authorized in cases of stalking, §19.2-152.9
 - r. Protective order authorized in cases of stalking, §19.2-152.10

Performance Outcome 2. 30.

Apply knowledge of law to obtain information from a suspect conforming to constitutional requirements.

Training Objectives Related to 2. 30.

A. Given a written or practical exercise, identify constitutional requirements to obtain information from a suspect.

Criteria: The trainee shall be tested on the following:

- 2.30.1. Identify constitutional issues related to detention and questioning of a suspect vs. a non-suspect.
- 2.30.2. Identify the relevant cases regarding suspect interrogation:
 - 2.30.2.1. *Malloy v. Hogan*, 378 U.S. 1 (1964)
 - 2.30.2.2. *Miranda v. Arizona*, 384 U.S. 436 (1966)
 - 2.30.2.3. *Massiah v. United States*, 377 U.S. 201 (1964)
- 2.30.3. Identify the two conditions which together trigger the necessity for Miranda warnings.
- 2.30.4. Explain the difference between an exculpatory and inculpatory statement and the necessity for documenting both.
- 2.30.5. Identify the conditions by which a confession will be judged to be admissible.

Lesson Plan Guide: The lesson plan shall include the following:

1. The rights of an arrested person as guaranteed by the U. S. Constitution.
2. Identify constitutional issues related to detention and questioning of a suspect vs. a non-suspect.
3. Identify the relevant cases regarding suspect interrogation:
 - a. Malloy v. Hogan, 378 U.S. 1 (1964)
 - b. Miranda v. Arizona, 384 U.S. 436 (1966)
 - c. Massiah v. United States, 377 U.S. 201 (1964)
 - d. Ford v. Commonwealth, 503 S.E.2d 803, 28 Va. App 249, (1998)
 - e. Novak v. Commonwealth, 457 S.E. 2d 402, 20 Va. App.373, (1995)
 - f. Wass v. Commonwealth, 359 S.E. 2d 836, 5 Va. App. 27, (1987)
 - g. Lanier v. Commonwealth, 394 S.E. 2d 495, 10 Va. App. 541, (1990)
4. Identify the two conditions which together trigger the necessity for Miranda warnings:
 - a. in custody **AND**
 - b. police interrogation.
5. Identify use of consent forms and waiver forms
6. Explain the difference between an exculpatory and inculpatory statement and the necessity for documenting both.
7. Identify the conditions by which a confession will be judged to be admissible.
8. Identify the constitutional basis for the Miranda warning and read the warning
 - a. Identify the point at which the suspect should be advised of constitutional rights.
 - b. Read the complete Miranda warning.
9. Identify the consequences for a person who gives a false identity to a law enforcement officer after having been lawfully detained and requested to identify himself, §19.2-82.1.

Performance Outcomes 2. 31.

Conduct searches and seizures under the following conditions:

- with and without a warrant
- incident to hot pursuit
- with or without consent
- incident to arrest
- confer with the local Commonwealth's Attorney under unusual search and seizure circumstances

Training Objectives Relating to 2. 31.

Given a written or practical exercise:

- A. Identify those search and seizure situations in which the 4th Amendment mandates a warrant,
- B. Identify search and seizure situations in which a warrantless search may be legally conducted.
- C. Identify situations that warrant conferring with the local Commonwealth's Attorney for guidance.
- D. Complete an affidavit for a search warrant.
- E. Identify proper authority for obtaining the warrant.
- F. Identify return requirements.
- G. Identify the circumstances under which an out-of-state warrant may be served by electronic means.

Criteria: The trainee shall be tested on the following:

- 2.31.1. Identify the reason that searches generally require a warrant.
- 2.31.2. Identify the reason that search warrants must be obtained for crime scenes except in emergency circumstances.
- 2.31.3. Identify the proper authorities from which a search warrant may be obtained
 - a. Judge
 - b. Magistrate
 - c. Other person with authority to issue criminal warrants in the jurisdiction of the place to be searched
- 2.31.4. Complete a sample affidavit
 - a. Description of place, thing, or person to be searched
 - b. Description of things or persons to be searched for
 - c. The offense causing the search
 - d. Thing(s) being searched for is/are evidence of the offense

- e. Any other material facts that show probable cause to issue search warrant
-
- 2.31.5. State facts and circumstances that would lead a reasonable person to believe the seizable items are located in the area to be searched.
 - 2.31.6. Identify Code of Virginia requirements for return of search warrant
 - a. Date of execution of warrant, signature, and time noted on warrant
 - b. Under oath, inventory all property seized
 - c. File in circuit court clerk's office of the jurisdiction where the search warrant was served within three days the search warrant, inventory, and affidavit
 - d. The officer who seized the property or executed the search warrant, or his designee or agent, may file the warrant, inventory, and accompanying affidavit by delivering them in person, or by mailing them certified mail, return receipt requested, or delivering them by electronically transmitted facsimile.
 - 2.31.7. Identify requirements for warrantless search of premises or property for suspect incident to hot pursuit conforming to constitutional requirements and Code of Virginia
 - a. Define the hot pursuit exception to warrant requirements.
 - b. Identify the circumstances that justify hot pursuit.
 - c. Define the scope of a search incident to hot pursuit.
 - 2.31.8. Identify the circumstances under which an out-of-state warrant may be served by electronic means.
 - 2.31.9. Identify procedures for obtaining records from an electronic communication service or remote computing service (including foreign corporations) pursuant to
 - a search warrant.

Lesson Plan Guide: The lesson plan shall include the following:

1. Unless an exception is identified, searches require a warrant if a reasonable expectation of privacy exists.
2. Search warrants must be obtained for crime scenes except in emergency circumstances (suspect is possibly on premises), on public property, or consent is given. Searches require a warrant if a reasonable expectation of privacy exists.
3. Identify the proper authorities from which a search warrant may be obtained according to §19.2 - 52:
 - a. Judge
 - b. Magistrate
 - c. Other person with authority to issue criminal warrants in the jurisdiction of the place to be searched
4. Complete a sample affidavit according to §19.2-54 covering:
 - a. Description of place, thing, or person to be searched
 - b. Description of things or persons to be searched for
 - c. The offense causing the search
 - d. Thing(s) being searched for is/are evidence of the offense
 - e. Any other material facts that show probable cause to issue search warrant
5. State facts and circumstances that would lead a reasonable person to believe the seizable items are located in the area to be searched.
6. Return search warrant conforming to Code of Virginia §19.2-57 requirements:
 - a. Date of execution of warrant, signature, and time noted on warrant
 - b. Under oath, inventory all property seized
 - c. File in circuit court clerk's office of the jurisdiction where the search warrant was served within three days the search warrant, inventory, and affidavit
 - d. The officer who seized the property or executed the search warrant, or his designee or agent, may file the warrant, inventory, and accompanying affidavit by delivering them in person, or by mailing them certified mail, return receipt requested, or delivering them by electronically transmitted facsimile.
7. Identify requirements for warrantless search of premises or property for suspect incident to hot pursuit conforming to constitutional requirements and Code of Virginia §19.2-59.
 - a. Define the hot pursuit exception to warrant requirements.
 - b. Identify the circumstances that justify hot pursuit.

- c. Define the scope of a search incident to hot pursuit.
8. Identify the circumstances under which an out-of-state warrant may be served by electronic means.
9. Identify procedures for obtaining records from an electronic communication service or remote computing service (including foreign corporations) pursuant to a search warrant.
10. Case references:
 - a. US v Santana 427 US 38 (1976)
 - b. Warden v Hayden 387 US 294 (1967)
 - c. Terry v Ohio 392 US 1 (1968)
 - d. California v. Hodari D. 499 US 621 (1991)
 - e. Michigan v Chesternut 486 US 567 (1988)
 - f. Carroll v United States 267 US 132 (1925)
 - g. California v Acevedo 111 S.Ct. 1982 (1991)
 - h. Maryland v Buie 58 LW 4281 (1990)
 - i. New York v Belton 453 US 454 (1981)

Case references related to consent searches:

- a. Florida v. Royer 460 US 491 (1983)
- b. Illinois v. Rodriquez 497 US 177 (1990)
- c. Florida v. Jimeno 500 US 248 (1991)

Performance Outcome 2. 32.

Use probable cause to search a vehicle.

Training Objectives Relating to 2. 32.

A. Given a written exercise, identify factors to consider to legally search a vehicle.

Criteria: The trainee shall be tested on the following:

2.32.1. Identify legal criteria for a vehicle search.

2.32.1.1. Reasonable suspicion

2.32.1.2. Probable cause

2.32.1.3. Inventory

2.32.1.4. Carrol doctrine

2.32.1.5. Consent

2.32.2. Identify the parameters for the scope of a vehicle search.

Lesson Plan Guide: The lesson plan shall include the following:

1. Identify legal criteria for a vehicle search under probable cause.
 - a. Reasonable suspicion
 - b. Probable cause
 - c. Inventory
 - d. Carrol doctrine
 - e. Consent

2. Identify the parameters for the scope of a vehicle search.

Performance Outcome 2. 33.

Pat down a suspect or search an arrested person.

Training Objectives Relating to 2. 33

Given a written exercise,

- A. Identify the parameters under which a pat down of a suspect may be conducted.
- B. Identify the parameters under which the search of an arrested person may be conducted.

Criteria: The trainee shall be tested on the following:

2.33.1. The elements of a detention and arrest.

2.33.2. The scope of the search of the arrested person and the circumstances when the search may be extended beyond the person.

2.33.3. The relevant legal principles.
a. Terry v. Ohio

Lesson Plan Guide: The lesson plan shall include the following:

1. The elements of a detention and arrest.
2. The scope of the search of the arrested person and the circumstances when the search may be extended beyond the person.
3. The relevant legal principles.
 - a. Terry v. Ohio
 - b. Relevant Code section

Performance Outcome 2. 34.

Seize contraband, weapons, or stolen property from a suspect.

Training Objectives Relating to 2. 34.

Given a written exercise:

- A. Identify the legal requirements relating to seizure of contraband, weapons, or stolen property from suspects.
- B. Identify items subject to asset forfeiture laws.

Criteria: The trainee shall be tested on the following:

- 2.34.1. Elements of the seizure of property.
- 2.34.2. Items subject to asset forfeiture laws.
- 2.34.3. Legal basis for seizing personal property related to illegal drug dealing or manufacture for forfeiture.
- 2.34.4. Identify the need to document items seized related to illegal drug dealing or manufacture as evidence for prosecution prior to forfeiture.
 - 2.34.4.1. Identify the need to connect cash or other property seized with the illegal drug dealing or manufacture.
 - 2.34.4.2. Identify the need to establish the connection as quickly as possible.

Lesson Plan Guide: The lesson plan shall include:

1. Identifying the elements of the seizure of property. (Code of Virginia §19.2-53)
 - a. Probable cause to believe the property is fruits of a crime, contraband, or evidence
 - b. Instrumentality (weapons, other items)
2. Identify items subject to asset forfeiture laws.
 - a. Situations where assets may be seized
 - (1). Autos used to transport more than \$200 of stolen goods §19.2-386.16
 - (2). Autos used to transport illegal alcohol
 - (3). Anything used in substantial connection with manufacture, sale, or distribution of illegal drugs
 - (4). Anything traded or exchanged for illegal drugs
3. Identify the legal basis for seizing personal property related to illegal drug dealing or manufacture for forfeiture. (Code of Virginia, §19.2-386.22)
 - a. The property was used in substantial connection with the manufacture, sale, or distribution of illegal drugs.
4. Identify what property may be forfeited if the legal basis can be proven.
 - a. Money, medical equipment, laboratory equipment, motor vehicles and all other property of any kind or character.
5. Identify the need to document items seized related to illegal drug dealing or manufacture as evidence for prosecution prior to forfeiture.
 - a. Identify the need to connect cash or other property seized with the illegal drug dealing or manufacture.
 - b. Identify the need to establish the connection as quickly as possible.

Instructor Note: Advise trainees that they will need to identify the department procedure to contact Commonwealth's Attorney so that necessary paperwork related to seizing assets may be initiated. (Department training)

Performance Outcome 2. 35.

Identify, establish custody of, and record a chain of custody for evidence, seized or detained property, or recovered property.

Training Objectives Related to 2. 35.

- A. Given a written exercise, identify legal requirements to identify, establish custody of, and document a chain of custody for evidence, seized or detained property, or recovered property.
- B. Given a written exercise, identify the legal requirements for proper disposition of unclaimed personal property in possession of law enforcement that is neither needed for evidence nor is subject to forfeiture.

Criteria: The trainee shall be tested on the following:

- 2.35.1. Define evidence
- 2.35.2. Define the types of evidence
- 2.35.3. Define the chain of custody
- 2.35.4. Identify the minimum tests that an item of evidence must successfully pass before admission to any criminal court
- 2.35.5. Identify methods used for initially considering that an item may be evidence
- 2.35.6. Identify procedure to establish and track chain of custody of evidence
 - 2.35.6.1. Establish custody by marking with proper tags and securing or protecting
 - 2.35.6.2. Document all persons handling the evidence or property
 - 2.35.6.3. Document all persons handling the evidence or property during recovery, removal, transport, storage, and release
- 2.35.7. Identify reason to document return of property when lawfully released for later recovery
- 2.35.8. Identify the lawful disposition of ordinary unclaimed personal property.
- 2.35.9. Identify the lawful disposition of unclaimed firearms.
- 2.35.10. Identify the lawful disposition of drugs and drug paraphernalia not needed as evidence.

Lesson Plan Guide: The lesson plan shall include the following:

1. Define evidence.
2. Define the types of evidence.
 - a. Documentary (written items)
 - b. Trace
 - c. Real
 - d. Circumstantial
 - e. Physical
 - f. Confessions
 - g. Photographic
3. Define the chain of custody.
4. Identify the minimum tests that an item of evidence must successful pass before admission to any criminal court (Rules of Evidence)
 - a. Legal relevance
 - b. Logical relevance
5. Methods used to initially identify evidence
 - a. Personal observation
 - b. Discovery through a valid search warrant
6. Identify methods used for initially considering that an item may be evidence.
7. Identify procedure to establish and track chain of custody of evidence
 - a. Establish custody by marking with proper tags and securing or protecting
 - b. Document all persons handling the evidence or property
 - c. Document all persons handling the evidence or property during recovery, removal, transport, storage, and release
8. Identify reason to document return of property when lawfully released for later recovery
9. Distinguish between property in possession of law enforcement and property in possession of the court.
10. Identify methods to determine that an item is not needed in evidence and the role of the case officer or investigator in this process (§15.2-1719 (local officers), (§52-114 (State Police))
11. Identify the role of the Commonwealth's Attorney in the destruction or disposal of unclaimed personal property.
12. Identify the role of the court in the following:
 - a. Disposition of unclaimed property
 - b. Disposition of unclaimed firearms (§19.2-386.29)(§15.2-1721 and §52-11.4 (State Police))
 - c. Disposition of drugs and drug paraphernalia not needed as evidence (§19.2-386.23)
13. Identify the role of the State Treasurer in the destruction or other disposition

of personal property other than drugs or drug paraphernalia.

Performance Outcome 2. 36.

Identify legal basis for use of force by a law enforcement officer.

Training Objective Related to 2. 36.

A. Given a written exercise, identify elements of case law and statutory law pertaining to use of force by law enforcement officers in the performance of duty.

Criteria: The trainee shall be tested on the following:

2.36.1. Preservation of life

a. Case law

b. Statutory law

2.36.2. Preservation of property

Lesson Plan Guide: The lesson plan shall include the following:

Case law and statutory law pertaining to use of force by law enforcement officers in the performance of duty.

1. Preservation of life
 - a. Case law
 1. Graham v. Connor
 2. Tennessee v. Garner
 3. Objective reasonableness
 4. Deliberate indifference (Canton v. Harris)
 - b. Statutory law
2. Preservation of property

Performance Outcome 2. 37.

Identify the circumstances under which a suspect is fingerprinted.

Training Objectives Relating to 2. 37.

Given a written exercise:

- A. Identify the circumstances under which a suspect shall be fingerprinted.
- B. Identify requirements related to fingerprinting juveniles.

Criteria: The trainee shall be tested on the following:

- 2.37.1. The circumstances under which a suspect should be fingerprinted
 - 2.37.1.1. Charged with a felony
 - 2.37.1.2. Charged with a class I or class II misdemeanor
 - 2.37.1.3. Convicted of the above
- 2.37.2. The statutory requirements related to fingerprinting juveniles
 - 2.37.2.1. Age
 - 2.37.2.2. Type of crime
 - 2.37.2.3. Charged with certain types of crimes
 - 2.37.2.4. Maintain juvenile fingerprint records separately from adult records
 - 2.37.2.5. Destruction of juvenile fingerprint records

Lesson Plan Guide: The lesson plan shall include the following:

1. The circumstances under which a suspect shall be fingerprinted (§19.2 - 390)
 - a. Charged with a felony
 - b. Charged with a class I or class II misdemeanor - release on summons after arrest unless charged with 18.2-266 Driving Under the Influence
 - c. Convicted of a class I or class II misdemeanor (§19.2-74)
 - d. Effective January 1, 2006, a photograph of the arrestee must accompany fingerprints submitted to the Central Criminal Records Exchange.

2. The requirements related to fingerprinting juveniles §16.1-299
 - a. Age
 - b. Type of crime
 - c. Charged with certain types of crimes
 - d. Maintain juvenile fingerprint records separately from adult records
 - e. Destruction of juvenile fingerprint records

Performance Outcome 2. 38.

Take into custody a person who has been detained by a citizen.

Training Objectives Relating to 2. 38.

Given a written exercise,

- A. Identify the legal authority under which a citizen can detain another person.
- B. Identify the legal authority for private security personnel to arrest.
- C. Identify the legal authority for a bail bondsman or his agent to arrest.

Criteria: The trainee shall be tested on the following:

- 2.38.1. The legal authority under which a citizen can detain another person.
- 2.38.2. The legal authority for private security personnel to arrest.
- 2.38.3. The legal authority for a bail bondsman or his agent to arrest.
- 2.38.4. Identify the point at which the suspect must be advised of constitutional rights under these circumstances.

Lesson Plan Guide: The lesson plan shall include the following:

1. Identify the legal authority under which a citizen can detain another person.
2. Identify the legal authority for private security personnel to arrest.
3. Identify the legal authority for a bail bondsman or his agent to arrest.
4. Identify the point at which the suspect must be advised of constitutional rights under these circumstances.

Performance Outcome 2. 39.

Arrest persons with a warrant.

Training Objectives Relating to 2. 39.

A. Given a written exercise, identify constitutional and statutory requirements to arrest a person with a warrant.

Criteria: The trainee shall be tested on the following:

2.39.1. Define arrest.

2.39.2. Identify the mandatory contents of a valid warrant.

2.39.3. Identify the territorial limitations of an officer's power to arrest.

2.39.4. Identify the consequences of an illegal arrest.

2.39.5. Identify the process of executing an arrest warrant.

2.39.6. Identify the limits of an arrest warrant in searching residence listed on the warrant and residences of third parties.

Lesson Plan Guide: The lesson plan shall include the following:

Code of Virginia, §19.2-71 to §19.2-83.1

1. Define arrest.
2. Identify who may issue a warrant for the arrest of a person charged with a criminal offense.
3. Identify the mandatory contents of a valid warrant:
 - a. It shall be directed to an appropriate officer
 - b. It shall name the accused or set forth a description by which he/she can be identified
 - c. It shall describe the offense charged with reasonable certainty
 - d. It shall command that the accused be arrested and brought before a court of appropriate jurisdiction
 - e. It shall be signed by the issuing officer
4. Identify the territorial limitations of an officer's power to arrest.
5. Identify the consequences of an illegal arrest.
6. Identify the process of executing an arrest warrant:
 - a. Arrest the accused
 - b. Inform the accused of the offense charged and that a warrant has been issued
 - c. Endorse and date the warrant
 - d. Deliver a copy of the warrant to the accused as soon as possible
7. Identify the limits of an arrest warrant in searching residence listed on the warrant and residences of third parties.

Performance Outcome 2. 40.

Arrest persons without a warrant.

Training Objectives Relating to 2. 40.

A. Given a written exercise, identify constitutional and statutory requirements to arrest a person without a warrant.

Criteria: The trainee shall be tested on the following:

- 2.40.1. Identify the requirement for warrantless felony arrest under §19.2-81.
- 2.40.2. Identify the general requirement for a warrantless misdemeanor arrest.
- 2.40.3. Given narrative examples of arrest situations, determine if the warrantless arrest is legal (include as one situation an officer observing a crime while off duty and in plain clothes).
- 2.40.4. Identify three situations whereby an officer may make a warrantless arrest according to the Code of Virginia.
- 2.40.5. Identify when a police officer may enter a private dwelling in order to make a warrantless arrest.
- 2.40.6. Identify the requirement of an officer to show his badge when not in uniform and attempting to make an arrest.

Lesson Plan Guide: The lesson plan shall include the following:

Code of Virginia, §19.2-81 to 19.2-83.1

1. Identify the requirement for warrantless felony arrest under §19.2-81.
2. Identify the general requirement for a warrantless misdemeanor arrest.
3. Define probable cause for arrest.
4. Given narrative examples of arrest situations, determine if the warrantless arrest is legal (include as one situation an officer observing a crime while off duty and in plain clothes).
5. Identify the situations whereby an officer may make a warrantless arrest according to the Code of Virginia:
 - a. crime committed in presence (§19.2 - 81)
 - b. at the scene of an accident
 - c. upon information that the individual is wanted in another jurisdiction through electronic messages (fax, teletype and radio messages)
 - d. a shoplifting offense
 - e. assault and battery
 - f. escapee from a mental institution
 - g. a probation or parole violation, etc.
 - h. concealed weapon in school
 - i. vandalism to commercial property
 - j. taking into custody a person detained by a citizen
 - k. traffic misdemeanor arrest (§19.2-82)
 - l. failure to surrender (§19.2-298)
6. Identify when a police officer may enter a private dwelling in order to make a warrantless arrest:
 - a. exigent circumstances
 - b. consent
 - c. hot pursuit
7. Identify the Virginia State Code sections pertaining to warrantless arrests:
 - a. Escape, flight and pursuit, arrest anywhere in Commonwealth (§19.2-77)
 - b. Arrest by officers of other states in close pursuit (§19.2-78)
 - c. Arrest without warrant authorized in certain cases (§19.2-81)
 - d. Procedure for arrest without warrant (§19.2-82)
8. Identify the requirement for an officer to show his badge when not in uniform and attempting to make an arrest. (§19.2 - 81)
Foote v. Commonwealth, 11 Va App 61, 396 SE2d 851 (1990)

Instructor Note: Advise trainees that they will need to identify department policy for self-identification as a law enforcement officer.

Performance Outcome 2. 41.

Demonstrate knowledge of general liability attached to performance of law enforcement duties related to privacy and security of person(s) and information.

Training Objective Related to 2. 41.

- A. Given a written exam, identify general liability attached to performance of enforcement duties related to privacy and security of person(s) and information.

Criteria: The trainee shall be tested on the following:

- 2.41.1. General liability related to privacy and security of person(s).
- 2.41.2. General liability related to privacy and security of information.

Lesson Plan Guide: The lesson plan shall include the following:

1. General liability attached to performance of law enforcement duties related to privacy and security of person(s) and information.

Performance Outcome 2. 42.

Demonstrate knowledge of general liability attached to performance of law enforcement duties related to use of force (physical restraint, weapons, and emergency vehicle operation).

Training Objective Related to 2. 42.

- A. Given a written exam, identify general liability attached to performance of law enforcement duties related to use of force (physical restraint, weapons, and emergency vehicle operation).

Criteria: The trainee shall be tested on the following:

- 2.42.1. General liability related to use of force regarding physical restraint.
- 2.42.2. General liability related to use of force regarding weapons.
- 2.42.3. General liability related to use of force regarding emergency vehicle operation.

Lesson Plan Guide: The lesson plan shall include the following:

1. General liability attached to performance of law enforcement duties related to use of force (physical restraint, weapons, and emergency vehicle operation).

Performance Outcome 2. 43.

Demonstrate knowledge of general liability attached to performance of law enforcement duties related to false arrest, false imprisonment, and use of warnings vs. arrest.

Training Objective Related to 2. 43.

- A. Given a written exam, identify general liability attached to performance of law enforcement duties related to false arrest/false imprisonment/use of warnings vs. arrest (discretionary arrest authority).

Criteria: The trainee shall be tested on the following:

- 2.43.1. Definition of false arrest.
- 2.43.2. Definition of false imprisonment.
- 2.43.3. Definition of discretionary arrest.

Lesson Plan Guide: The lesson plan shall include the following:

1. Definition of false arrest
2. The duty to release person arrested in error as promptly as possible and place in a position as good as or better than prior to arrest
3. Definition of false imprisonment
4. Definition of discretionary arrest (using a warning instead of making an arrest) and the limitations inherent to this
5. Documentation of circumstances related to a false arrest
6. Documentation of circumstances related to discretionary arrest (using a warning instead of making an arrest)

Instructor Note: Advise trainees that they will need to identify their department policy related to the use of discretionary arrest (giving a warning instead of making an arrest) during field training.

Performance Outcome 2. 44.

Demonstrate knowledge of general liability attached to performance of law enforcement duties related to treatment of suspects and arrestees.

Training Objective Related to 2. 44.

A. Given a written exam, identify general liability attached to performance of law enforcement duties related to treatment of suspects and arrestees.

Criteria: The trainee shall be tested on the following:

- 2.44.1. Assessment for medical treatment.
- 2.44.2. Assessment for psychiatric treatment.
- 2.44.3. Assessment of treatment after chemical or pepper spray.

Lesson Plan Guide: The lesson plan shall include the following:

1. Assessment for medical treatment
 - a. Observe and identify any injuries
 - (1). top down review
 - (2). front and back review
 - (3). photograph if possible
 - (4). transport to hospital
 - (5). identify source of injury (weapons, etc.)
 - (6). extent/seriousness of injury
 - (7). location on body
 - (8). identify all parties involved
 - (9). if and how the arrestee was treated
 - (10). inquire about non-visible injuries (eyes, ears, elsewhere)
 - (11). o.c. spray use
 - b. Document circumstances surrounding the injuries and indicate if a justifiable use of force was necessary.
2. Assessment for psychiatric treatment
3. Assessment of treatment after chemical or pepper spray

Performance Outcome 2. 45.

Demonstrate knowledge of general liability attached to performance of law enforcement duties related to law enforcement vehicle operations.

Training Objective Related to 2. 45.

- A. Given a written exam, identify general liability attached to performance of law enforcement duties related to law enforcement vehicle operations.

Criteria: The trainee shall be tested on the following:

- 2.45.1. General liability related to law enforcement vehicle operations.

Lesson Plan Guide: The lesson plan shall include the following:

1. General liability related to law enforcement vehicle operations.

Performance Outcome 2. 46.

Demonstrate knowledge of general liability issues attached to performance of law enforcement duties.

Training Objective Related to 2. 46.

- A. Given a written exam, identify Virginia Sovereign Immunity and relevant federal civil rights law.

Criteria: The trainee shall be tested on the following:

2.46.1. Virginia Doctrine of Sovereign Immunity

2.46.2. Federal civil rights law as follows:

- a. 18 USC 241
- b. 18 USC 242
- c. 42 USC 1983

Lesson Plan Guide: The lesson plan shall cover the following:

1. Virginia Doctrine of Sovereign Immunity, relevant parts of § 8.01-195 through 8.01-195.9.
2. Federal civil rights law as follows:
 - a. 18 USC 241
 - b. 18 USC 242
 - c. 42 USC 1983
3. Other areas as may be identified by the instructor as liable law enforcement actions.