

# Con Law Competency Supplement

Distinguish between “ministerial” and “discretionary” duties and identify the policies required by Wisconsin Statutes.

- Define the term “ministerial duties” in regard to law enforcement agency policies and procedures.
- Define the term “discretionary duties” in regard to law enforcement agency policies and procedures.
- Distinguish between “ministerial duty” and “discretionary duty” policy statements.
- Identify the subjects/issues which require mandatory policy.
- Locate the Wisconsin statutes that refer to mandatory law enforcement policies.

Show the structure of the criminal justice system.

- Describe the various sources of law and their interrelationships.
- Describe the various levels of municipal, state and federal courts, their interrelationships and the burdens of proof required for conviction at each level.
- Describe the Bill of Rights, primarily the 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, and 8<sup>th</sup> amendments, and the 14<sup>th</sup> amendment.
- Describe the roles of judges, juries, prosecutor and defense attorneys, probation and parole officers, and correctional officers.
- Define legal terminology relevant to law enforcement.

Identify situations where constitutional rules are applicable.

- Describe the purposes of the 4<sup>th</sup> amendment and possible sanctions for violating it.
- Describe the purposes of the 5<sup>th</sup> amendment and possible sanctions for violating it.
- Describe the purposes of the 6<sup>th</sup> amendment and possible sanctions for violating it.
- Describe the purposes of the 8<sup>th</sup> amendment and possible sanctions for violating it.
- Describe the purposes of the 14<sup>th</sup> amendment and possible sanctions for violating it.

Identify situations where an officer may use reasonable suspicion to contact a subject.

- Review the facts of the landmark case, Terry V. Ohio.
- Define reasonable suspicion as it relates to the “stop” of a person.
- Define reasonable suspicion as it relates to the “stop” of a vehicle.
- Identify the limits on subject identification, stop duration and subject movement.
- Describe the justification and scope of a frisk conducted subsequent to a Terry stop.

Identify the elements of a lawful arrest.

- Define probable cause as it relates to the arrest of a person.
- Develop probable cause for violations based on simulated situations.
- Differentiate between a frisk of a person stopped under Terry and a search of a person incident to arrest.
- Describe the requirements and procedure for making an arrest with and without a warrant.
- Identify the extent to which force may be used when conducting an arrest.
- Describe the jurisdiction of a peace officer and where an arrest may occur.
- Describe fresh pursuit and its effect on an officer's jurisdiction.
- Explain the authority to use force to make arrests with or without a warrant.

Identify search-related activities where the 4th amendment is not applicable.

- Analyze information gathering opportunities where the 4th amendment does not apply (dog sniffs, fly-overs, looking for VIN numbers, inspection of prison cells, abandoned property).
- Compare "open fields" to curtilage where the 4th amendment does apply.
- Compare "open view" to "plain view" and how it relates to search and seizure law.

Identify the requirements that pertain to search warrants.

- Describe the level of proof required to obtain a search warrant.
- Describe the procedure for obtaining and executing a search warrant.
- Describe forcible entry and no-knock issues as they relate to search warrants.
- Explain the scope of a search with a warrant and when it must be terminated.
- Ensure that items located during searches are properly seized.
- Describe items that may be temporarily seized for officer and public safety.
- Define contraband and the requirements for its seizure.
- Describe items that may be seized pursuant to a valid warrant.
- Describe the authority and scope of search warrants regarding electronic devices and cell phones

Analyze exceptions to the search warrant requirement.

- Explain when a valid consent search can be made and what can be searched.
- Describe the automobile exception to the warrant requirement, aka the Carroll Doctrine, and describe the permissible scope of a search under this doctrine.
- Describe the inventory exception to the warrant requirement.
- Describe the authority and limitations of a search incident to arrest as it relates to searches of persons, vehicles and residences.

- Describe the authority and scope of searches regarding electronic devices and cell phones.
- Describe the authority to make a warrant-less entry to a residence based on exigent circumstances.

Identify the special requirements for searching disabled persons and strip searches.

- Describe the requirements for conducting a search of a physically disabled person (Wis. Stats 968.256).
- Describe a strip search and the requirements for conducting a strip search (Wis. Stats. 968.255).

Identify the legal requirements for obtaining confessions and statements.

- Review the facts of the Miranda decision.
- Explain the 5<sup>th</sup> and 6<sup>th</sup> amendment rights as they relate to confessiona and statements.
- Describe custody and questioning as it relates to Miranda rights.
- Describe situations where Miranda rights do not apply.
- Identify the methods in which a defendant can invoke the Miranda privilege.
- Describe the rules and the limitations on further questioning after a suspect invokes constitutional rights.
- Differentiate between the Miranda rule and the 6<sup>th</sup> amendment right to counsel.
- Describe the Miranda rule as it relates to juveniles.
- Describe the requirement that all police obtained statements of a defendant must be voluntarily given.
- Define voluntary and coercion as they relate to statements and the potential consequences for obtaining involuntary statements.
- Describe the legal requirements for recording custodial interviews of juveniles and adults.

Analyze the relationship between law enforcement actions and the admissibility of evidence in court.

- Review the purpose for the Exclusionary Rule.
- Review the requirements of the Exclusionary Rule and the Fruit of the Poisonous Doctrines.
- List the exceptions that may allow unlawfully obtained evidence to be admitted in court, including Good Faith, Attenuation, Inevitable Discovery and Independent Source exceptions.
- Explain the requirements for show-ups and line-ups.
- Rank the reliability of different sources of information.
- Describe hearsay and the reasons it is not normally admissible in court.
- Review the basic exceptions to the hearsay rule including dying declarations, present sense impressions and excited utterances.