

**MARYLAND POLICE AND CORRECTIONAL TRAINING COMMISSIONS  
LESSON PLAN**

**COURSE TITLE:** 2019 Stops, Searches, and Arrests Training

**LESSON TITLE:** Crime Scenes and Witnesses

**PREPARED BY:** BPD Education & Training Staff **DATE:** June 27, 2020

<b>TIME FRAME</b>	<b>PARAMETERS</b>
Hours: 60 minutes Day/Time: Lesson 1, Day 2 of 2 Days	Audience: In-service sworn all ranks Number: 36 Space: Classroom, Scenario Areas
<b>PERFORMANCE OBJECTIVES</b>	<b>ASSESSMENT TECHNIQUE</b>
<ol style="list-style-type: none"><li>1. Students will review and emphasize Day 1 content by engaging in class discussions to the satisfaction of the facilitator.</li><li>2. Students will discuss how to manage a crime scene by viewing a case study and identifying considerations of “Freezing the Scene,” to the satisfaction of the facilitator.</li><li>3. Through a facilitated discussion of Policy 1002, students will discuss the management of witnesses at a crime scene and the circumstances under which they can be transported for interview, to the satisfaction of the facilitator.</li><li>4. Through a facilitated discussion, students will discuss departmental policy regarding youth witnesses to the satisfaction of the facilitator.</li></ol>	<ol style="list-style-type: none"><li>1. Facilitated class discussion</li><li>2. Case study analysis</li><li>3. Facilitated class discussion</li><li>4. Facilitated class discussion</li></ol>

**STUDENT MATERIALS NEEDED**

- 1 Departmental Cell Phone

**INSTRUCTOR EQUIPMENT/SUPPLIED NEEDED****Lecture:**

- 1 Computer w/PowerPoint and internet access (for group/individual feedback questions).  
(Set the computer up in dual-screen mode so that the interactive portion can be brought over to the projected screen)

- 1 Projector
- 1 Projector screen (mirrored screens required for larger audience size)
- 6 Large Sheet of Poster Paper
- 6 Small Post It Note Pad

**STUDENT HANDOUTS**

# Needed	Title
1	PowerPoint (PowerDMS)
6	Question Handouts

**METHODS/TECHNIQUES**

Lesson will be presented by lecture and facilitated discussion.

**REFERENCES**

The following sources of law and policy are used as a basis for this lesson plan. The instructor should be familiar with the material in these reference documents to effectively teach this module.

*Maryland constitutional and procedural law related to seizures*

*Federal constitutional and procedural law related to seizures*

*Draft Baltimore Police Department policies:*

*Policy 906, Traffic Citations*

*Policy 1108, DUI/DWI Arrest Procedures*

*Policy 1106, Warrantless Arrest Procedures and Probable Cause Standard*

*Policy 1104, Arrest Warrants*

*Policy 1013, Strip Searches & Body Cavity Searches*

*Policy 1114, Persons in Police Custody*

*Policy 1002, Securing and Interviewing Witnesses*

*Policy 1105, Custodial Interrogations*

*Policy 1007, Search and Seizure Warrants*

*Policy 1109, Warrantless Searches*

*Policy 1505, Foot Pursuits*

*Policy 317, Fair & Impartial Policing*

*Policy 720, Interactions with LGBTQ Individuals*


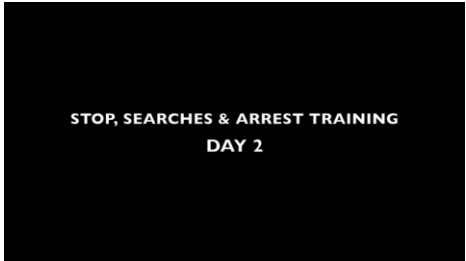
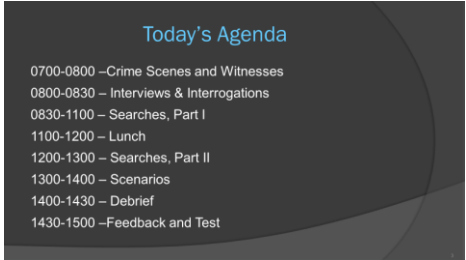
**GENERAL COMMENTS**

In preparing to teach this material, the instructor should take into consideration the following comments or suggestions.

*This lesson plan is intended for use with experienced instructors who have significant teaching experience, moderate technology experience, and exceptional knowledge of constitutional law.*

# LESSON PLAN

## TITLE: Review and Crime Scenes

PRESENTATION GUIDE	TRAINER NOTES
<p><b>I. ANTICIPATORY SET</b></p> <p><b>Introduction</b></p> <p>Good morning.</p> <p>We will be facilitating three classroom modules this morning before shifting to practical scenarios.</p> <p>First, we'll review what we learned yesterday.</p> <p>Then we'll talk about how to handle a crime scene, based on Policy 1002.</p> <p>In the following class we'll discuss what to do with witnesses and suspects, drawing on Policies 1002 and 1105.</p> <p>Then we'll get into how to conduct searches in a way that adheres to policy and builds public trust.</p> <p>Then we'll break for lunch and come back to apply what we've learned as a class during scenarios.</p> <p>Finally, we'll debrief, assess our learning, and you'll have an opportunity to provide feedback about the training.</p>	<p><b>REMINDER: This whole lesson is just 30 minutes</b> <b>8 minutes for Slides 1-6 (introduction &amp; review of Day 1)</b></p> <p><b>Slide 1:</b></p>  <p><b>Slide 2:</b></p>  <p><b>Slide 4:</b></p> 

## OBJECTIVES

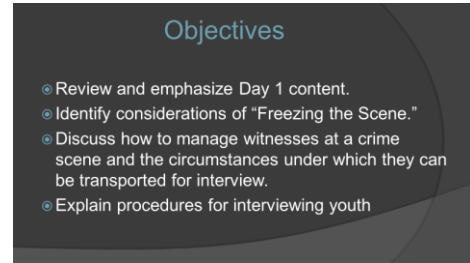
1. Review and emphasize Day 1 content.
2. Identify considerations of “Freezing the Scene.”
3. Discuss how to manage witnesses at a crime scene and the circumstances under which they can be transported for interview.

## GOTS AND NEEDS

The first lesson yesterday covered Police Interactions with the Public. These interactions run the gamut from voluntary contacts to arrest. We discussed the legal and policy requirements of each type of interaction, and how each type of interaction relates to fair and impartial policing, procedural justice, and police legitimacy.

**What was one thing we learned about each level of interaction?**

### Slide 4:



Objectives

- Review and emphasize Day 1 content.
- Identify considerations of “Freezing the Scene.”
- Discuss how to manage witnesses at a crime scene and the circumstances under which they can be transported for interview.
- Explain procedures for interviewing youth

Use slides to address “GOTS” and “NEEDS” from Day 1

### Slide 5:



Police Interactions

- Voluntary
- Field Interview
- Investigative stop
- Arrest

*Answers could include:*

#### Voluntary contact:

- Friendly and professional
- Don’t require reporting
- Focus on strong community/police relationships

#### Field Interview:

- Professional demeanor
- Consensual interaction related to a criminal investigation.
- Only to be performed for a legitimate law-enforcement purpose.

#### Investigative Stop:

- Professional demeanor
- It’s a “stop” (seizure)
- It’s based on reasonable,

**What are some situations in which arrests are not permissible?**

Yesterday we also covered Most Effective and Least Intrusive Response

A fair and effective response to a violation of the law balances public safety and order in the community against the serious impact of law enforcement action (e.g., loss of liberty; humiliation and stress; loss of income, employment, or housing) on the individual believed to have committed the violation.

Where effective in resolving the violation in accordance with law and policy, problem-solving such as a verbal warning is generally preferable to a citation, and a citation is generally preferable to an arrest.

Because arrest is a last resort, members should refrain from making an arrest unless doing so reasonably

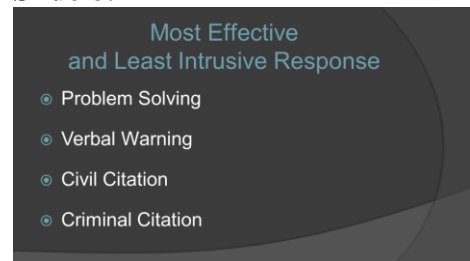
articulable suspicion

- It's temporary (it can only last long enough to give you a chance to investigate)
- Everything beyond the order to stop must be justified based on the situation
- If you go too far, it will be considered an arrest (requiring probable cause)

Arrests not permissible:

- Any time probable cause does not exist
- A misdemeanor that does not carry a term of imprisonment
- The civil offense of possession of under 10 grams of marijuana
- A "less intrusive method" would serve the goal of public safety and effectively resolve the situation
- Where not allowed by Maryland law (See Policy 1106)

**Slide 6:**



advances the goal of public safety or addresses significant or chronic community disorder, and the situation cannot be resolved in a less intrusive manner that is authorized by law and policy.

NOTE: Proactive policing is policing that addresses crime and disorder. Importantly, addressing such problems does not necessarily require taking enforcement action. Using problem solving or verbal persuasion to deal with a situation is proactive policing, as is using a citation in lieu of arrest when that achieves legitimate public safety goals or effectively addresses community disorder.

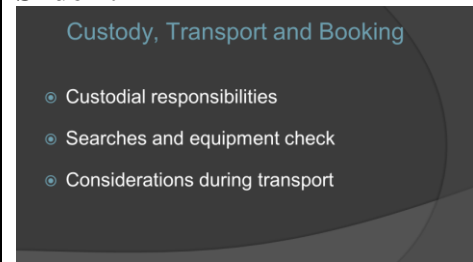
**ASK: When might a verbal warning be preferred over a citation or arrest?**

And yesterday we also discussed Custody, Transport and Booking. Key considerations relate to officer safety as well as the safety of people who are stopped, arrested, and transported.

**ASK: What is one change we discussed with regard to custody responsibilities?**

*Answer:* When it would effectively accomplish public safety goals and community wellbeing.

#### Slide 7:



**Custody, Transport and Booking**

- Custodial responsibilities
- Searches and equipment check
- Considerations during transport

*Answers could include:*

- Gender transport practices (reinforcing gender identity vs. government ID)
- New transport form

## INSTRUCTIONAL CONTENT

### Crime Scene Management

Some of the most critical moments in law-enforcements are the first steps we take on arrival at a crime scene.

We're going to talk now about what steps you can take under law and policy to ensure:

#### Slide 8



**"Freezing" a Crime Scene**

- Scene Safety
- Medical Attention
- Criminal Investigation
- Evidence Preservation

- ☐ Scene Safety
- ☐ Medical Attention
- ☐ Criminal Investigation
- ☐ Evidence Preservation

One of the most important things you can do is “freeze the scene” on arrival. That’s basically a “time out” that allows you to detain those that are present and exclude those that are not present while you figure out what’s going on.

We’re going to watch a case study and use it to guide our exploration of this topic.

### Case Study/Group Exercise

We’re now going to take a look at a scene that might be similar to something that you’ve experienced yourself. The incident was a homicide that took place at 2400 Pennsylvania Ave on October 16, 2018.

After watching, we’re going to break into groups to discuss and report out

Prior to watching case study, ask groups to keep in mind:

- ⦿ Was this situation a good candidate for “freezing the scene”?
- ⦿ What made it difficult to “freeze the scene”?
- ⦿ What could have been done to identify witnesses?
- ⦿ How were the dynamics at the crime scene affected by police legitimacy? What can police do, at a crime scene, to enhance police legitimacy?

**Time: 20 minutes for slides 7-11 (includes 10-minute group exercise)**

### Slide 9: (3:30 minutes video)



**Group Exercise: (6:30 minutes)**  
Give the groups time to answer the questions on the slide, and then do a report out and discussion across the groups for 3 ½ minutes.



**ASK: Was this situation a good candidate for “freezing the scene”?**

**ASK: What made it difficult to “freeze the scene”?**

**ASK: What could have been done to identify witnesses?**

**ASK: How were the dynamics at the crime scene affected by police legitimacy? What can police do, at a crime scene, to enhance police legitimacy?**

## Slide 10

### Case Study Questions

- Was this situation a good candidate for “freezing the scene”?
- What made it difficult to “freeze the scene”?
- What could have been done to identify witnesses?
- How were the dynamics at the crime scene affected by police legitimacy? What can police do, at a crime scene, to enhance police legitimacy?

Look for:

Group consensus “Yes” based on:

- Severity of the crime
- Likelihood of witnesses present
- Difficulty of locating witnesses later

Look for:

- Need to render medical aid first
- Uncooperative crowd

Look for:

- Establish command & control
- Divide responsibilities among first responding officers
- Have 1<sup>st</sup> officer render aid
- Have 2<sup>nd</sup> officer cordon off crime scene
- Any other officers seek witnesses
- Admittedly a difficult situation

Look for:

- Witnesses are more likely to cooperate if they consider the police legitimate.
- At a crime scene, when officers listen, show respect, and demonstrate that they are

One of the most important stages of an investigation is the initial arrival.

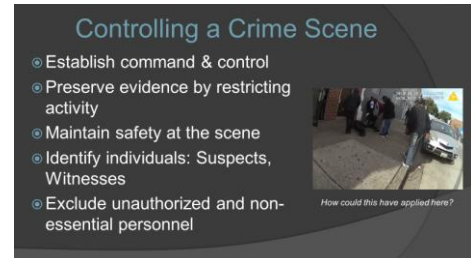
Law and policy give police the authority to control the crime scene. This includes:

- Preventing individuals from altering/destroying physical evidence by restricting movement, location and activity while ensuring and maintaining safety at the scene.
- Identifying all individuals at the scene
  - Suspects – Secure and separate
  - Witnesses – Secure and separate
  - Bystanders – Determine whether witness; if so, treat as above; if not, remove from the scene
  - Victims/family/friends – Control while showing compassion
  - Law Enforcement, Medical and other assisting personnel
- Excluding unauthorized and nonessential personnel from the scene (e.g., law enforcement officials not working the case, politicians, media)
- Summary: Controlling the movement of persons at the crime scene and limiting the number of persons who enter the crime scene is essential to maintaining scene integrity, safeguarding evidence and minimizing contamination

**ASK: How does this apply to the case study we just observed?**

unbiased and trustworthy, people see that and are more likely to cooperate then and later.

#### Slide 11:



Emphasize here that establishing command & control is essential for controlling the crime scene. The first arriving officer needs to assign responsibilities to other officers as they arrive, until a supervisor or higher arrives to take over that responsibility.

#### **Establish command & control**

Primary assigns tasks to officers as they arrive

Supervisor takes charge

Radio is used to communicate to incoming units

<p>Police have a limited authority to <b>“Freeze the Scene”</b> of a crime in order to preserve evidence, witnesses, and suspects.</p> <ul style="list-style-type: none"> <li>• Officers may detain individuals only for a reasonable period of time</li> <li>• As soon as a person is deemed not a suspect or a Witness, members shall not further detain them</li> <li>• Officers shall diligently seek to identify witnesses, determine if they are willing to make a voluntary statement and then expedite their release as soon as practical.</li> </ul> <p><b>ASK: What if, at a crime scene, someone wants to make a statement or share information, but refuses to be recorded?</b></p>	<p><b>Preserve evidence by restricting activity</b>  Establish crime scene  Use tape as visible marker  Tape gives reference point, lets you tell people to get behind it (clear direction) as opposed to “get back,” which is less fixed</p> <p><b>Maintain safety at the scene</b>  Quickly triage and establish victims  Get medical support immediately  Get PPE out fast</p> <p><b>Identify individuals: Suspects, Witnesses</b>  Separate witnesses from onlookers  Witnesses stay, onlookers go</p> <p><b>Exclude unauthorized and non-essential personnel</b>  Who was essential at that scene?</p> <p><b>Slide 12:</b></p> <div data-bbox="971 1142 1435 1400"> <p><b>Witness Identification/Detention</b></p> <ul style="list-style-type: none"> <li>• Detain someone only for a reasonable period of time</li> <li>• Terminate the detention as soon as someone is determined not to be a suspect or witness</li> <li>• Diligently seek to identify witnesses, determine if they are willing to make a voluntary statement, and expedite their release as soon as practical</li> </ul> </div> <p>Ask for hands and responses.</p> <p>Look for:</p> <ul style="list-style-type: none"> <li>• Members may deactivate the BWC in order to obtain the</li> </ul>
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Things to consider when determining when and to what degree to Freeze the Scene:

- (1) the seriousness of the crime under investigation,
- (2) the nature of the information the Witness can reasonably be expected to provide,
- (3) the level of evidence suggesting that the Witness can provide such information, and
- (4) whether there are any less intrusive methods of obtaining the same information.

Remember that the degree to which we “freeze” a scene must be reasonable.

**ASK: What tools/techniques do we have that would help us freeze a scene?**

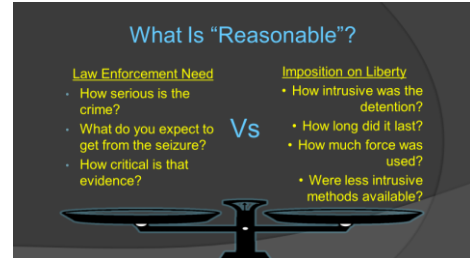
**ASK: Suppose there was a shoplifting at Walmart. What would be an unreasonable way to freeze the scene based on the seriousness of the crime?**

**ASK: Suppose there was a shooting at Walmart. What would be a reasonable way to freeze the scene?**

statement or information.

- Memorialize the request on the BWC prior to deactivating the BWC.
- Document that they deactivated the BWC in their report

### Slide 13:



*Answer could be:*

For a serious crime, cordoning off the area.

*Answer could be:*

Detaining witnesses for more than a minute or two.

Answer could be: Set up perimeter, detain those inside long enough to check medical status, ID, determine if victim/witness/suspect, see if they're willing to make a statement.

**ASK: Given that same situation, what would be unreasonable based on the severe imposition on liberty?**

It would be unreasonable to hold everyone there for 24 hours when the suspect was already in custody. Even though the crime is serious, the imposition on everyone in the store outweighs the law enforcement need at that point.

**ASK: What would be a reasonable amount of force to use to detain a witness attempting to leave the scene?**

Generally limited to controlling touch.

**OPTIONAL (If it comes up): What is a “Material Witness”?**

A witness who has significant information relevant to a criminal investigation.

**OPTIONAL (If it comes up): When can a “material witness” be detained?**

Detention of a material witness should be handled carefully. At a certain point, an unwilling material witness must be released unless they are going to be taken before a court commissioner or a Body Attachment (court order) is going to be sought to detain them. In that case, the State's Attorney's Office should be consulted.

In general, it would be more prudent to take someone's information with the intention of interviewing them later than it would be to detain them involuntarily.

### Scenario 1

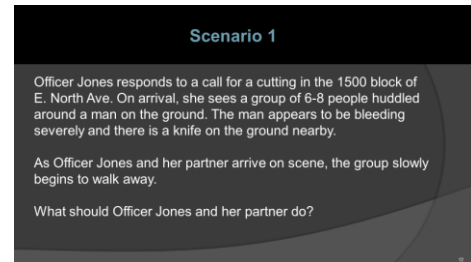
Officer Jones responds to a call for a cutting in the 1500 block of E. North Ave. On arrival, she sees a group of 6-8 people huddled around a man on the ground. The man appears to be bleeding severely and there is a knife on the ground nearby.

As Officer Jones and her partner arrive on scene, the group slowly begins to walk away.

**ASK: What should Officer Jones and her partner do?**

A body attachment is essentially a court order similar to a witness warrant

### Slide 14:



Ask for hands and responses.

Answers could include:

- The officers should call for an ambulance and back-up and render medical aid as needed to the man on the ground.
- The officers should protect the physical crime scene, including the knife, as soon as possible.
- As soon as possible, the officers should temporarily Freeze the Scene to gain the basic information of the incident, identify witnesses, and determine their level of involvement.
- Once that has occurred, officers should try to determine the willingness of the witnesses to provide information.
- Anyone not wishing to stay or provide additional information, IS FREE TO LEAVE (unless they're wanted for something else, a body attachment will be sought through the State's Attorney's Office, the person is being taken to the court commissioner, etc.)

**ASK: But what if all the witnesses walk away while the officers are rendering medical aid?**

- Protecting life is the highest priority, so that has to be the initial focus.
- If one officer can handle the medical aid, then the other officer can try to freeze the scene, especially if there's no threat to the physical crime scene.
- The officers should try to persuade those walking away to stick around.
- As soon as other officers arrive, freezing the scene should be their priority.

**ASK: What if one person hangs back and says he saw what happened, but isn't going to tell the police anything?**

- Officers should encourage him to do his civic duty.
- Officers should try to identify him and get him to stay around until investigators arrive.
- Ultimately, being a witness is voluntary. The police can't make a witness talk.

### **Seeking Witnesses**

- BWC should be activated (unless the witness requests that you turn it off)
- Introduce yourself by name and rank whenever possible
- Use words, tone, and actions that clearly show that the person's responses are voluntary
- Inform the individual that they may decline to answer questions

### **Witnesses**

- In general, a witness will be free to leave without consequences.
- IF the witness is being detained while BPD "freezes the scene," this is only long enough to secure the

### **Slide 15:**

**Seeking Witnesses**

When seeking witnesses

- BWC should be activated (unless the witness requests you turn it off)
- Introduce yourself by name and rank, whenever possible
- Use words, tone, and actions that clearly indicate the person's responses are voluntary
- Inform the individual they may decline to answer questions

scene and determine whether the witness is willing to give a voluntary statement.

- IF you have RAS that the witness has ALSO committed another crime, standard procedure applies.

### If you find a witness

- Notify the primary that you have a witness
- Determine whether there will be an on-site or off-site interview
- On-site:
  - Inform them that they can decline to answer and are not being detained (where accurate)
  - Prohibited: Coercion, transport w/o consent
- Off-site:
  - Only where voluntary unless they are being detained to seek a material witness warrant

Only where voluntary

You may offer to provide transportation

Conduct weapons pat-down prior to transport

Prior to voluntary transport, explain:

- The pat-down is for safety
- If anything illegal is found, they could be charged
- They're free to refuse transport and find their own way to get to the off-site interview

**ASK: If someone doesn't want to be patted down, what options are available?**

**Witness Transport: Reporting Requirements**

### Slide 16:

#### If you find a witness

- Notify the primary investigator that you have a witness
- Determine whether there will be an on-site or off-site interview
- On-site:
  - Inform the witness they can decline to answer and are not being detained (where accurate)
  - Prohibited: Coercion, transport w/o consent

### Slide 17:

#### Off-Site Interview

- Only where voluntary
- You may offer to provide transportation
- Conduct weapons pat-down prior to transport
- Prior to voluntary transport, explain:
  - The pat-down is for safety
  - If anything illegal is found, they could be charged
  - They're free to refuse transport and find their own way to get to the off-site interview

On-scene interview

Or they could find their own transport

### Slide 18:



For an Off-Site Interview, the transporting officer's report must include:

- Who made the determination to transport the witness.
- The reason such a determination was made.
- The date, time, and location from which the witness was transported.
- The date, time, and location at the final destination.
- Whether any injuries were sustained or force was used during the transport.

### Scenario 2

Officer Jones responds to a call for a cutting in the 1500 block of E. North Ave. On arrival, she speaks with a witness who says that he saw the whole thing.

The witness appears to be 12 years old.

**ASK: What should Officer Jones do?**

For further questions, refer to pending draft youth policies.

Witness  
Transport

Reporting  
Requirements

For an Off-Site Interview, the transporting officer's report must include:

- Who made the determination to transport the witness
- The reason such a determination was made
- The date, time, and location from which the witness was transported
- The date, time, and location at the final destination
- Whether any injuries were sustained or force was used during the transport

### Slide 19

#### Scenario 2

Officer Jones responds to a call for a cutting in the 1500 block of E. North Ave. On arrival, she speaks with a witness who says that he saw the whole thing.

The witness appears to be 12 years old.

What should Officer Jones do?

Ask for hands and responses.

Possible answers include:

- The officer should limit her questions to the immediate needs tied to public safety questions on scene; "where did the suspect go?" "Is anyone else hurt?"
- Ask the age of the witness.
- Once the immediate needs tied to public safety questions are resolved, the officer **MUST** try to contact the parent/guardian before asking more specific questions.

**ASK: Why do we have these restrictions on interviewing youth witnesses?**

- Youth are not considered fully capable of understanding “voluntary” – they might think they have to talk.
- Youth might inadvertently or unknowingly make incriminating statements.
- Youth might be at great risk of retaliation from whoever committed this violent crime.
- It is well established that parents and guardians have the right to decide how their children participate in legal matters.

**ASK: What are some investigative methods that might make a youth think they have to participate, even in an interview situation?**

Answers may include:

- Isolating the youth in a way that scares them.
- The power imbalance between a police officer and a youth.
- Surrounding the youth in an intimidating way.
- Having multiple officers “cross-examine” the youth.

Because a youth witness may not be as aware of their circumstances as an adult, it is important to weigh the immediate needs tied to public safety against any threat that providing that information may pose to them.

You normally need parent/guardian permission

Limited questions are permitted, such as those required to:

Figure out what happened

Determine if anyone needs medical attention

Address immediate needs related to public safety

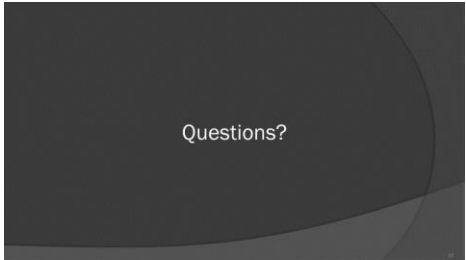
BUT weigh the safety threat to youth witnesses against the immediate need for information

## Slide 20

**Protecting Youth Witnesses**

- You normally need parent/guardian permission
- Limited questions are permitted, such as those required to:
  - Figure out what happened
  - Determine if anyone needs medical attention
  - Address immediate needs related to public safety

BUT weigh the safety threat to youth witnesses against the immediate need for information

<p>The more you can provide a safe, non-threatening environment for a youth witness (or any witness), the better.</p> <p><b>ASK: What could you do on-scene to make sure that a youth witness is safe when providing information?</b></p>	<p>Don't ask them questions in front of other people. Speak with them privately. Maintain confidentiality outside of those who need to know. Outside of immediate needs tied to public safety issues, arrange an interview somewhere else along with their parent.</p>
<p><b>III. EVALUATION/CLOSURE</b></p> <p>In wrapping up this lesson, you should be able to identify the appropriate level of police interaction when identifying witnesses, bystanders, or potential suspects while managing an active crime scene.</p>	<p><b>Time: 2 min</b> <b>Slide 21</b></p>  <p>Solicit feedback from the audience.</p> <p>Reinforce why it is important to know the levels of Police Interactions and when they are appropriate to use at crime scenes.</p> <p>Allow for questions, final comments, and observations of the training block.</p>