



# CLEET

Council on Law Enforcement Education and Training



## May Training Initiative

[Employment Opportunities](#)

[Accreditation Information](#)

[Firearms Requalification Standards](#)

[Firearms Recertification Certificate](#)

[Password Help](#)

CLEET is hosting the May Training Initiative on May 18-21, 2015 at NSU Broken Arrow. During this event you will have the opportunity to complete your continuing education needs, including your mental health requirements. You do not have to attend every day. You can pick and choose which courses you would like to attend.

Here is a list of courses that will be offered: L.E. Response to Veterans in Crisis, Visual Tracking Orientation, Buddy Care/ Combat Medic, Transportation of Prisoners, Child Interviewing Techniques, Drug Endangered Children, Evidence Based Domestic Violence, Suicide (Prevention, Intervention, and Postvention), Traffic Death Investigations, Warrants, Tag Seizures, Introduction to Behavior Analysis Interviewing, Reserve Coordinator School, Narcon, Elder Abuse, Hearing Voices, and Thought Disorders.

**You can register for all of these on the CLEET website.**

# ADJUNCT INSTRUCTORS

## **Appeal to All Oklahoma Law Enforcement Agencies:**

In recent months, CLEET has experienced a sharp decline in the number of adjuncts that have been able to assist with Basic Academy Training. Part of this decline is due to the severe weather crisis that we have experienced. All areas of training are experiencing these shortages; however, our skills classes in particular have been deeply affected. In addition to the needs for adjunct instructors, we need assistance in conducting practical exercises during the last week of an academy. Since these practical exercises have been added to the curriculum we have received great reviews from the students, commenting that they are able to put into practice the skills that they have learned during the 15 weeks of training.

CLEET provides housing and meals for persons assisting with training during a basic academy class. In addition, certified peace officers receive 8 hours of continuing education every year that they assist for at least 8 hours in basic academy instruction.

**Firearms Training** – The recommended ratio of instructors to students is 1 to 5 during the daytime and 1 to 3 nighttime firearms training. We generally have 35 to 45 students on the range at any one time. Currently, CLEET employs 5 full-time firearms instructors (2 are in administrative positions) which, with one in the tower, allows us to train 15 people at a time (following the above ratios) safely. The remaining instructional staff is comprised of adjuncts or line safety officers. It should also be noted that we commonly split the class in half with those not on the handgun range receiving training with the shotgun or handgun handling skills. Although this configuration keeps students engaged, it removes at least one of our full-time instructors from the handgun range, thus further pushing our instructor to student ratios.

The need for adjunct instructors on the firing range is not a new problem for CLEET. We are constantly challenged with maintaining a safe instructor to student ratio and recent class size increases have exacerbated the problem. We appreciate the commitment agencies across the state have made toward the CLEET firearms program and with your continued support our program will remain strong.

**Law Enforcement Driving Training** – We generally have between 12 and 15 vehicles operating during LEDT training. Each vehicle has one instructor and three students participating to complete the training in the required time. CLEET employs 7 full time LEDT instructors (some of which are teaching other courses at the time of LEDT due to our operating two basic academies at the same time, 12 months out of the year). Generally, we will need 8 to 12 adjuncts in every class.

**Practical Exercises** – During the final week of the Basic Academy instruction, CLEET provides 20 hours of practical exercise, hands on training, to the students. We conduct 6 to 10 scenarios (based on availability of personnel). Each scenario requires from 2 to 4 actors along with an instructor to critique the students. In order to accomplish the scenario training we require a minimum of 18 role players/instructors each day.

## **Practical Dates**

**A 1501 - May 12-13, 2015**

**A 1502 - July 28 - 29 2015**

**A 1503 - October 06 - 07, 2015**

# BASIC ACADEMY SCHEDULE

## 2015 Basic Academy Firearms Schedule

A1502: Session 1: May 28, 29, June 02, 03, 04, 05  
Session 2: June 10, 11, 12, 16, 17, 18

## 2015 Basic Academy Defensive Tactics Schedule

A1502: Session 1: May 27, 28, 29, June 02, 03, 04, 05  
Session 2: June 09, 10, 11, 12, 16, 17, 18

## 2015 Basic Academy LEDT Schedule

A1502 Driving Session 1: May 05, 06, 07, 08  
Driving Session 2: May 19, 20, 21, 22

## 2015 Basic Academy Firearms Schedule

A1503: Session 1: August 13, 14, 18, 19, 20, 21  
Session 2: August 26, 27, 28, Sept. 01, 02, 03

## 2015 Basic Academy Defensive Tactics Schedule

A1503: Session 1: August 12, 13, 14, 18, 19, 20, 21  
Session 2: August 25, 26, 27, 28, Sept. 01, 02, 03

## 2015 Basic Academy LEDT Schedule

A1503 Driving Session 1: July 21, 22, 23, 24  
Driving Session 2: August 04, 05, 06, 07

## 2015 Basic Academy Firearms Schedule

A1504: Session 1: October 22, 23, 27, 28, 29, 30  
Session 2: November 04, 05, 06, 10, 11, 12

## 2015 Basic Academy Defensive Tactics Schedule

A1504: Session 1: October 21, 22, 23, 27, 28, 29, 30  
Session 2: November 03, 04, 05, 06, 10, 11, 12

## 2015 Basic Academy LEDT Schedule

A1504: Driving Session 1: September 29, 30, October 01, 02  
Driving Session 2: October 13, 14, 15, 16

## 2015 Basic Academy Firearms Schedule

A1505: Session 1: January 21, 22, 26, 27, 28, 29 (2016)  
Session 2: February 03, 04, 05, 09, 10, 11 (2016)

## 2015 Basic Academy Defensive Tactics Schedule

A1505: Session 1: January 20, 21, 22, 26, 27, 28, 29 (2016)  
Session 2: February 02, 03, 04, 05, 09, 10, 11 (2016)

## 2014 Basic Academy LEDT Schedule

A1505: Session 1: December 15, 16, 17, 18  
Session 2: January 12, 13, 14, 15 (2016)

We could use volunteer adjunct instructors for all of these upcoming academies. Please contact Keith Miller @ 405-239-5174.



## DID YOU KNOW?

- State law requires agencies to notify CLEET within thirty (30) days if an officer resigns while under investigation. 70 O.S. 3311 (K) (8).
- Failure to submit Notice of Employment form may disqualify an agency from participating in training programs. 3310 (I) (1).
- O.A.C.390:10-1-3 – All agencies are required to report employments and terminations within ten (10) days on the current Notice of Employment form. Cadets are now required to sign Promissory Notes when they enter the CLEET Academy. The Notification of Employment is an important document used to establish employment and days credited.
- Accreditation – Agencies that conduct in-service training are required to submit an Accreditation Form with Instructor's information to CLEET for CLEET training credit. As of January 1, 2012 Course Accreditation will be for a period of 3 years instead of 1 year. [Click here for accreditation information.](#)
- Training that does not require accreditation and is taught by someone other than CLEET, such as the Justice Department, FEMA, Federal Law Enforcement, BIA, Online and etc, requires a Report of Training Form to accompany the roster or certificate.
- The new SDA concealed carry permit curriculum is available to licensed SDA instructors. Please email [breanna.atkeson@cleet.state.ok.us](mailto:breanna.atkeson@cleet.state.ok.us) for your copy. You will need to provide your name and SDA instructor number. The staff at CLEET thanks all of the people who assisted with the revision, including, but not limited to: Thomas B.W. Nation, Miles Hall, Jack Ostendorf, Dean Vassilakos, B. Branch, and Mike Miller.
- Several universities are now giving credit or determining if they can give credit for time spent in the CLEET Basic Academy, and the Law Enforcement Terrorism Certification Program—Basic, Intermediate and Advanced Certification. If you are interested in gaining college credit for CLEET training hours, talk to your university and if they are giving this credit, you can request your training record from CLEET and submit it to your university.
- Any adjunct instructor seeking compensation, should work diligently with CLEET to get contracts turned in no less than 60 days prior to the course that they are seeking payment for.
- All emails sent and received by CLEET employees are considered property of CLEET and may be subject to disclosure to the public pursuant to the Oklahoma Public Records Act.

## MESSAGE REGARDING CONTINUING EDUCATION

CLEET has continuing education classes that are limited for one reason or another. After the class has reached its maximum number we are required to close them. There are officers who do not withdraw, thus, taking a spot that another officer could have had had we known there was space. This gives a false number of officers who are enrolled to the instructors (who donate their time to teach). This also can cost the Instructors time and possibly waste of handouts. We ask you to be mindful and courteous to your fellow officers and withdraw as soon as you find out you are unable to attend. Should this continue CLEET may enact sanctions against habitual offenders.

## **From the Peace Officer Records Division:**

Please be advised that due to recent rules and legislative changes, the records division staff may be required to ask for additional information before releasing or changing officer records. Agencies doing pre-employment backgrounds requesting individual profiles must submit a written request for an individual's profile along with a signed release of information form from the individual they want to hire.

One of the most critical changes is firearms requalification rosters are now due **by December 31**. Please be reminded that training rosters for mandated training should be submitted as soon as training is conducted.

Please remember that every law enforcement agency employing police or peace officers in this state **shall submit to CLEET on or before October 1** of each calendar year a complete list of all commissioned employees with a current mailing address and phone number for each such employee. Because the statute does not become effective until November 1, 2013, the first deadline for this information is October 1, 2014. Once the spreadsheet approved, CLEET will advise the law enforcement agencies on how to complete the process.



# BASIC ACADEMY SCHEDULE

**A-1503 - June 24, 2015 - October 09, 2015**

**A-1504 - September 09, 2015 - January 08, 2016**

**A-1505 - November 18, 2015 - March 02, 2016**

**No one will be scheduled or confirmed for an academy until all paperwork is completed and received by CLEET. The reading, writing and comprehension test is a prerequisite for admission into the CLEET Basic Academy. For testing information [click here](#). New hire full time non-certified officers must take this test within 90 days of hire.**

## OPEN MEETINGS

### **Council on Law Enforcement Education and Training Meeting**

July 22, 2015 - CLEET - Courtroom A107 - 10:00 a.m.

### **Advisory Council Meeting**

July 9, 2015 - CLEET - Courtroom A107 - 10:00 a.m.

### **Curriculum Review Board**

July 14, 2015 - CLEET - Courtroom A 107 10:00 a.m.

### **Private Security Advisory Committee Meeting**

June 10, 2015 - Devon Tower - OKC - 10:00 a.m.

### **Drug Dog Advisory Council**

July 9, 2015 - CLEET - Courtroom A107 - 10:00 a.m.

### **Bomb Dog Advisory Council**

July 9, 2015 - CLEET - Courtroom A107 - 1:00 p.m.

### **Polygraph Board**

July 17, 2015 - CLEET - Courtroom A107 - 10:00 a.m.

# BODY ARMOR

CLEET would like to thank the Oklahoma City Police Department and the Tulsa Airport Police Department for donating body armor to the CLEET Basic Academy. Our goal is to make sure every graduating officer has body armor. We are running low on what we have left to give out to the upcoming graduates. If you or your agency would like to donate body armor please contact Rick Amos at [rick.amos@cleet.state.ok.us](mailto:rick.amos@cleet.state.ok.us)

## SATELLITE OFFICE - CLAREMORE AND OKC

CLEET has a satellite office in Claremore at the Rogers State University 1701 W Will Rogers, Prep Hall – Room106. Tami Burnett offices there and it's open to LE Officers, Security Personnel and the general public. If you would like to schedule an appointment with Tami, you can email her at [tami.burnett@cleet.state.ok.us](mailto:tami.burnett@cleet.state.ok.us) or reach her by calling 405-546-0159.

Accreditations: To ensure a response within 24 hours, please email all accreditation request forms/documents to [tami.burnett@cleet.state.ok.us](mailto:tami.burnett@cleet.state.ok.us). Please note: Tami Burnett works out of NE Oklahoma so if you send your accreditation request forms/documents via mail or fax to the main office in Ada, it could take up to two weeks before your request is processed.

We now have an office in Oklahoma City at OSU/OKC. Norma Floyd is at this location on Tuesdays and Thursdays from 9:00 - 4:00. The office is located in room 143 of the Human Services Education Center. Norma's phone number is 405-945-9154 and her email address is [norma.floyd@cleet.state.ok.us](mailto:norma.floyd@cleet.state.ok.us). You can also contact her regarding private security applications.



# BOARD VACANCY

Due to a vacancy on the Advisory Council, the Council on Law Enforcement Education and Training (CLEET) is accepting applications and letters of interest from those individuals who wish to be considered as an appointee to serve on the CLEET Advisory Council as the At-Large Representative.

The responsibilities of Advisory Council members are found in 70 O.S., § 3311, Paragraph B, which states “. . . discuss problems and hear recommendations concerning necessary research, minimum standards, educational needs, and other matters imperative to upgrading Oklahoma law enforcement to professional status.” The Advisory Council meets quarterly, in Ada, approximately two weeks prior to scheduled Council meetings.

If you are interested in serving on the Advisory Council as the At-Large representative and are an active, certified full-time peace officer, please complete the Advisory Council application found on the CLEET website at [www.cleet.state.ok.us](http://www.cleet.state.ok.us) please direct a letter of interest and the completed application, along with any other materials you desire to be reviewed, to Executive Director Steve Emmons by June 26, 2015. All letters received, along with your application and your CLEET training record, will be forwarded to the Advisory Council for consideration and recommendation. The Advisory Council’s recommendation(s) will be taken to the Council for final selection and appointment.



# DAILY PHYSICAL TRAINING

Officers, deputies, and agents attending a CLEET Basic Academy will now be required to spend the last 30 minutes of each training day participating in various forms of light exercise and stretching. Physical Training during the Academy has been designed by CLEET staff that are certified Law Enforcement Fitness Specialists and Master Fitness Instructors by the Cooper Institute.

Physical fitness exercises that students will be participating in are:

- Power walking/Light Jog (Equivalent to a 20 minute mile)
- Basic Jumping Jack, Body weight squats (Slow count of 3 seconds down / 3 seconds up) Walking lunges
- Bear crawls
- Planks and/or crunches
- Pushup

Other exercises that will be done may include various portions for the actual CC/DT block such as patterns of movement, step and drag drills, officer survival drills and much more.

The goal is to take this 30 minutes each day and:

- Help better prepare each cadet for the upcoming training in CC/DT
- Allow them to have a small amount of extra time in order to help increase their knowledge in officer safety techniques
- Bring those who are lacking in physical conditioning to a higher level of self awareness and prepare them for the academy
- Possibly instill better eating and physical fitness awareness for their future in L.E.
- Possibly reduce injuries here at the academy as well as on the job related injuries and illness

## ALERRT Program

The Homeland Security grant directing CLEET to provide active shooter training is progressing better than we had expected. There are classes being held across the state and the officers that have attended are expressing their support for the program. We have classes scheduled four months in advance and they are available for registration on the CLEET website. Over 3300 officers have been trained in the ALERRT End User courses and we have trained over 90 ALERRT instructors. The classes are two day sessions with 16 hours of CLEET continuing education credit.

[Click here to login and enroll in an ALERRT course near you.](#)

# TRAINING OPPORTUNITIES

Online training for CLEET credit can now be obtained through the Federal Law Enforcement Training Center (FLETC) website. Please click on the following web <http://www.acadis.net/fletc/>. Once at the site, those who maintain a CLEET certification and are active law enforcement officers can register for an account to access 200 courses funded by FLETC (free to the departments). After completing the short registration form, LETN will follow-up with an e-mail/phone call to the agency head or supervisor to confirm the provided information. Access to the training should be granted within a few days. Until further notices, print, scan or forward certificates received from LETN training to CLEET so we can properly credit (e-mail [preferred], fax, or mail) training records.

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Traffic Death Investigations  
5-20 - 8:00 - 5:00 - Broken Arrow (NSU)

Warrants  
5-20 - 8:00 - 3:00 - Broken Arrow (NSU)

Tag Seizures  
5-20 - 3:00 - 5:00 - Broken Arrow (NSU)

Interviewing/Debriefing Human Trafficking Victims 5-21 / 5-22 - Ardmore (Southern Oklahoma Technology Center)

ALERRT - 5-16 / 5-17  
8:00 - 5:00 each day - Pocola Public School

Narcon 5-21  
8:00 - 10:00 - Broken Arrow (NSU)

L.E. Response to Vets in Crisis - 5-18  
8:00 - 12:00 (MH) - Broken Arrow (NSU)

Elder Abuse  
5-21- 10:00 - 12:00 - Broken Arrow (NSU)

Buddy Care / Self Aid  
5-18 - 8:00 - 5:00 - Broken Arrow (NSU)

Introduction to Behavioral Analysis Interviewing  
5-21 - 8:00 - 5:00 - Broken Arrow (NSU)

Visual Tracking Orientation  
5-18 - 1:00 - 5:00 - Broken Arrow (NSU)

Reserve Coordinator School  
5-21 - 9:00 - 4:00 - Broken Arrow (NSU)

Child Interviewing Techniques  
5-19 - 8:00 - 12:00 - Broken Arrow (NSU)

Hearing Voices  
5-21- 1:00 - 3:00 - Broken Arrow (NSU)

Drug Endangered Children  
5-19 - 1:00 - 5:00 Broken Arrow (NSU)

Thought Disorder  
5-21- 3:00 - 5:00 - Broken Arrow (NSU)

Evidence Based Domestic Violence  
5-19 - 8:00 - 5:00 - Broken Arrow NSU

Behavioral Analysis Interview Tech: Diagnostic -  
5-27 / 5/28 - Oklahoma City (OCPD Training Center)

Transportation of Prisoners  
5-19 - 8:00 - 5:00 - Broken Arrow (NSU)

ALERRT  
5-28 / 5-29 -8:00 - 5:00 each day- Duncan  
(Duncan High School)

So You Think You Can Lead  
5-19 - 8:30 - 5:00 Cushing

Suicide Prevention, Intervention & Postvention  
5-20 - 8:00 - 5:00 - Broken Arrow (NSU)

Alcohol Laws & Compliance  
5-28 - Edmond - (UCO Forensic Science Institute)

# ADJUNCT INSTRUCTOR RECOGNITION



**Sergeant Brian Dye**

Sergeant Brian Dye began his law enforcement career at the Kay County Sheriff's Department in 1996. He was hired by the Ponca City Police Department in 2000 and assigned to the Patrol Division, he later became a Field Training Officer in that division. In 2007, he was promoted to the rank of Sergeant and moved to the Detective Division at Ponca City Police Department.

He currently holds an Advanced CLEET Law Enforcement Certification. In 2008, Sergeant Dye graduated from the Criminal Investigation Academy (CIA). He became a CLEET Basic Instructor in 2010. He has assisted CLEET several times by teaching Crime Scene Investigations at the Basic Academy since 2011.

Sgt. Dye is trained in forensic interviewing, narcotics, crimes against children, crime scene investigation, evidence collection, homicide, and sexual assault investigations. He also has specialized training in fire and arson investigation. He attended the National Fire Academy in Emmitsburg, Maryland, in 2013 and 2014 and received fire investigation training.

Sgt. Dye has been part of the Ponca City Police Department Tactical Team since 2007. He is a member of the Oklahoma Sheriffs and Peace Officers Association (OSPOA), Southern Kansas and Northern Oklahoma Peace Officers Association F.O.P Lodge 103, and the Oklahoma Chapter of International Association of Arson Investigators. He has received numerous commendations during his career.

In addition to his career in law enforcement, Brian Dye currently serves as the Assistant Chief for the Ranch Drive Volunteer Fire Department, where he has volunteered his service to the community since 1995. He is a Little League baseball coach and an assistant basketball coach. He is also a certified pipe welder. Some of his hobbies include hunting, fishing, and camping. Sergeant Dye has been married to his wife Jennifer for 12 years and they have two children.

# ADJUNCT INSTRUCTOR RECOGNITION



## **Assistant Chief / Major**

### **J.R. Kidney**

Major Kidney started his career in law enforcement in 1993 as a reserve officer with the Tecumseh Police Department and went full-time in 1994. During his employment with Tecumseh he has held the ranks of Sergeant, Lieutenant and in 2004 was promoted to Lieutenant Detective. In 2010 he was promoted to the rank of Assistant Police Chief (Major) and is still over investigations.

Major Kidney has received numerous awards during his career including a Governor's Commendation, a Citation from the Oklahoma House of Representatives and Officer of the Year.

He holds an Advance Law Enforcement Certification with CLEET and he is a CLEET Certified Instructor for Basic Instruction, LEDT, RADAR and Reserve Academy Coordinator.

Major Kidney has been on the Pottawatomie County Multidisciplinary Child Abuse Team since 2004 and he is a member of the Pottawatomie County Coordinated Community Response Team. He also holds the positions of Chairman with the Southeastern Child Death Review Board Team and Pottawatomie County 911 Center.

He retired from the Tecumseh Fire Department after volunteering for 20 years. He still enjoys teaching Domestic Violence and Sexual Assault classes across the state and being an adjunct instructor for LEDT during the CLEET Academies. He is also a part time LEDT instructor for OSU OKC.

Major Kidney married his wife Andrea in 1998 and they have 3 boys. Before joining law enforcement Major Kidney was a Bullfighter working rodeo's for several years.

## MEMO

FROM: J.H.B. Wilson, General Counsel  
RE: Warrantless entry into homes

The Question of when a Peace Officer may enter into a home without a Warrant continues to work its way through the appellate court system.

Of course, we start with the idea that, for evidence to be admissible in Court, a search (especially of a home) must be supported by a Warrant. There are recognized exceptions. The exceptions that most commonly are applied to home entries are:

1. Consent
2. Exigent Circumstances – like danger to the public (including police) and imminent destruction of evidence

We do not yet have a definitive U.S. Supreme Court ('SCOTUS') case on 'when an officer can enter a home without a warrant'. So far, SCOTUS seems content to let the lower courts continue to work out the details. This memo is intended as a quick review of some recent cases.

**U.S. v. Mongold**, Tenth Circuit Court of Appeals, nos. 12-7073 and 12-7075 (decided July 10, 2013). The facts, from the Opinion, are that an ATF agent visited Ms. Moore's residence while investigating a drug conspiracy and found a federal fugitive hiding there. Later, Officers got information about a high volume of traffic at Moore's home and began surveillance, and then did a 'knock and talk'. The door was opened by Mr. Mongold, and police smelled marijuana. Mongold said he would go get Moore and officers followed him inside even though they did not have permission. Officers saw ammunition in the home.

Defendants moved to suppress, arguing that police had no legal justification to enter the home.

The Court discussed the general rule that the presumption of unconstitutionality for warrantless searches is subject to reasonable exceptions, like consent and exigent circumstances. The Court then applied a four-part test. The Officer's entry of the home must be:

1. pursuant to clear evidence of probable cause
2. available only for serious crimes where the destruction of evidence is likely
3. limited to the minimum intrusion necessary to prevent destruction of evidence
4. supported by clearly defined indicators of exigency.

In this case, the Court decided to send the case back to the trial court to make findings of fact on those four elements. We do not get a final decision at this time.

Keep in mind that this is the Tenth Circuit speaking, and their rulings are considered binding on lower courts until and unless the Supreme Court says otherwise.

**Stanton v. Sims** 571 U.S. \_\_\_\_ (SCOTUS, 2013)

This case came out of the Ninth Circuit. Here is a brief summary of the facts as set out in the Opinion: Officer Stanton responded to a call about an 'unknown disturbance' involving a person with a baseball bat. When officers arrived, one man ran. Stanton did not see any baseball bat, but considered the behavior suspicious and decided to detain the man. The man ran through the gate in the fence of Ms. Sims front yard. The Officer followed, kicking open the gate. 'Unfortunately, and unbeknownst to Stanton, Sims herself was standing behind the gate when it flew open'. The gate struck Sims, injuring her head and shoulder. Sims filed suit under Title 42 U.S.C. 1983.

The Trial Court found that Officer Stanton had qualified immunity, as the entry was justified by the potentially dangerous situation, and there was no clearly established case law that would put the Officer on notice that his conduct may be unconstitutional. The Ninth Circuit reversed, holding that the actions happened in the curtilage, there was no immediate danger, and it was only a 'minor offense' of disobeying an Officer. Thus, Officer Stanton did not have qualified immunity.

SCOTUS noted that 'federal and state courts nationwide are sharply divided on the question of whether an officer with probable cause to arrest a suspect for a misdemeanor may enter a home without a warrant'. SCOTUS summarized the law at the time Stanton made his split-second decision to enter the gate:

'Two opinions of this Court (SCOTUS) were equivocal on the lawfulness of his entry; two opinions of the (California) Court of Appeal affirmatively authorized that entry; the most relevant opinion of the Ninth Circuit was readily distinguishable; two Federal District Court in the Ninth Circuit had granted qualified immunity in the wake of that opinion, and the federal and state courts of last resort around the Nation were sharply divided.'

This would have been a great opportunity for SCOTUS to answer the question "is a misdemeanor enough reason to enter a home without a warrant?" but the Supreme Court decided to leave that question for further treatment in the lower courts. "We do not express any view on whether Officer Stanton's entry into Sims' yard in pursuit of Patrick was constitutional." SCOTUS did hold that, given the unclear case law, "Stanton may have been mistaken in believing his actions were justified, but he was not 'plainly incompetent'". The bottom line is that the officer did have qualified immunity.

**Carrol v. Carmen**, 574 U.S. \_\_\_\_ (SCOTUS, 2014)

In this case, the Supreme Court had a chance to clarify case law on 'knock and talks', but decided to put off that decision and rule only on the question of qualified immunity. To summarize the facts from the opinion: Officers decided to do the 'knock and talk' and approached a sliding glass door that 'looked like a customary entryway'. As

Officers stepped onto the deck, they were approached by a man acting 'belligerently and aggressively'.

Carman sued under Title 42 U.S.C. 1983, arguing that entry into the backyard and on the deck (where the sliding glass door was located) violated their constitutional rights. The Officer defended on the basis that Officers may knock on someone's door, so long as they stay on those portions of the property that are also available to the general public. Carman responded that normal visitors would have gone to the front door, not to the back yard and on the deck.

Again, instead of deciding the question we want decided (that is, did going to the 'back' door violate the constitutional rights of the people in the home?) SCOTUS once again decided the narrow question of qualified immunity. The Supreme Court noted that qualified immunity is intended to protect 'all but the plainly incompetent or those who knowingly violate the law'. Since the state of the case law is in flux, and is not 'beyond debate', Officer Carroll did have qualified immunity.

**So where does this leave us? Back at the general rule – searches of homes must be supported by a warrant or by consent or exigent circumstances. The bad news, from most Officers' perspective, is that the Supreme Court seems unwilling at this time to make a 'bright line rule' for entry into homes. The good news is that SCOTUS seems more than willing to apply the protection of 'qualified immunity' to Officers who find themselves in the bind of needing to enter a home, and not being sure of the relevant case law.**



# 7 Steps for Safety

## Highway-Rail Grade Crossings



**1. Approach with care.**

Warn others that you are slowing down. Turn on 4-way flashers. Use pull-out lane if available.

**2. Prepare to stop.**

Turn off fans and radio and roll down windows. Locate your cell phone for use in emergency.

**Stop** at least 15 feet, but not more than 50 feet, from nearest rail.

**3. Look both ways and listen carefully.**

Bend forward to see around mirrors and A-pillars.

**4. If it won't fit, don't commit.**

**Do not enter a crossing unless you can drive completely through without stopping!**

And, remember, trains are wider than the track. Before you pull onto the track, make sure there is enough room on the other side for the back of your vehicle (and any overhanging cargo) to be at least 6 feet beyond the furthest rail.

**5. Look again.**

Before you move, look again in both directions.

**6. Cross tracks with care.**

Signal, watch for a safe gap, pull back onto the road if you used a pull-out lane. Use highest gear that will let you cross without shifting.

**7. Keep going once you start, even if lights start to flash or gates come down.**

# WHAT TO DO IF YOUR VEHICLE STALLS OR HANGS UP ON THE TRACKS

## 1. GET OUT IMMEDIATELY.

Evacuate your vehicle. (Trains traveling at 60 mph may take a mile or more to stop.)

## 2. Move away.

Walk **toward the oncoming train, and away from the tracks** at a 45-degree angle. (If your vehicle is hit, debris will spread out from the tracks in the same direction the train is moving.)

## 3. Locate the emergency phone number.

When you are safely away from the tracks, find the railroad's emergency phone number and the DOT crossing identification number posted near the crossing. (See sample locations below.)

*Railroad Identification, Emergency Phone Numbers, and DOT Number Locations.*

