

Law Week Objectives

Beginning with Idaho POST Patrol Academy #153 (January 8, 2007 – March 16, 2007), all students will be required to complete the Law Week objectives provided for the following CDs:

- Unit 3.1- United States Constitution
- Unit 3.2- Idaho Liquor Law
- Unit 3.3- Court Procedures and Rules of Evidence
- Unit 3.4- Idaho Criminal Code
- Unit 3.5- Laws of Arrest
- Unit 3.6- Search and Seizure
- Unit 3.7- Fish and Game Laws
- Unit 3.8- Idaho Brand Law
- Unit 3.9- Use of Force
- Unit 8.2- Vehicle Code-Traffic Law

Students should print off the unit objectives and take notes on each objective while completing the CDs. Notes do not need to be word-for-word from the lesson, but should discuss the information provided briefly. The completed objectives will be collected the first day of the academy, checked for completion, and given back to students to use while at POST. All Patrol Academy students will be required to complete these objectives. It is highly recommended (but not required) that challenge students make use of them also. If extra space is needed for responses, students can write on the back of the question sheets or attach as many blank pages as necessary. After completing each CD, if there are questions for which a student cannot find an answer, this should be noted on the question sheet for clarification during POST instruction.

Having students complete the provided objectives serves two purposes. First, this activity will help students focus on the most important information provided in each lesson. Secondly, the completed objectives will serve as a valuable study guide for the Law Week exam. The Law Week exam will only contain questions created from information in the objectives provided, unless otherwise indicated by POST instructors due to program updates.

Note: This study guide must be completed in your own handwriting and turned in the first day of the Academy. Typed or photocopied study guides will not be accepted!

**The following questions should be filled out and brought with you to POST.
Questions may not be in order on each CD.
If additional space is needed, use the back of each sheet or attach a blank page.**

CURRICULUM TITLE: 3.1 UNITED STATES CONSTITUTION

03.01.01 Explain briefly the history of the U.S. Constitution from 1776 to its adoption.

03.01.02 Explain the 1st, 4th, 5th, 6th, and 14th Amendments to the U.S. Constitution.

03.01.03 Identify which amendment of the United States Constitution protects against unreasonable search and seizure.

03.01.04 Identify which amendment of the United States Constitution is known as the "Freedom Amendment".

- 03.02.01 Who has the primary responsibility for the enforcement of the Idaho Liquor Act?
- 03.02.02 Identify the minimum age to legally consume or be served alcoholic beverages in the state of Idaho.
- 03.02.03 Identify when minors can legally sell, serve and dispense alcoholic beverages.
- 03.02.04 Identify the exceptions allowing minors to enter in and remain in a licensed premises.
- 03.02.05 Identify when minors can legally possess beer and wine.
- 03.02.06 Identify the appropriate licenses retailers are required to have for sales:
- a. of liquor by the drink
 - b. of beer and wine
 - c. at premises having a specialty rating
- 03.02.07 Identify the Idaho established hours of sales for the following alcoholic beverages:
- a. liquor

b. beer

c. wine

03.02.08 Identify the holiday when liquor may not be sold in Idaho.

03.02.09 Explain or identify:

a. The hours or times when liquor, beer, and wine must be either locked up or stored and not available to customers.

b. When alcohol consumption must end on a premises licensed for on-premises consumption.

c. When customers must leave a premise licensed for on-premise consumption.

03.02.10 Explain when police officers are allowed to inspect licensed premises.

03.02.11 Identify when the Idaho State Liquor Dispensary stamps must be defaced.

03.02.12 Identify what items must be completed when a licensee sells a keg for off-premises consumption.

03.02.13 Identify the two main items required to be on a valid form of identification.

CURRICULUM TITLE: 3.3 COURT PROCEDURES and RULES OF EVIDENCE
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- 03.03.01 Explain which types of cases are handled by the magistrate court and which types of cases are handled by the district court.
- 03.03.02 Describe the role and authority of prosecutors.
- 03.03.03 Explain which type of charging document is used for a felony, misdemeanor and an infraction.
- 03.03.04 Describe the Court processes applicable to the Defendant upon being charged with the following:
- a. infraction

 - b. misdemeanor

 - c. felony (information or indictment)
- 03.03.05 Explain the various options for presenting probable cause to a magistrate on a criminal complaint.

- 03.03.06 Define the term "discovery," and explain its purpose and significance in a criminal case.

- 03.03.07 Define and explain the significance of exculpatory evidence.

- 03.03.08 Explain the purpose of a preliminary hearing and a grand jury.

- 03.03.09 Explain the purpose of a trial.

- 03.03.10 Describe the stages of a criminal trial.

- 03.03.11 Explain the burden of proof in a criminal trial and the common presumption that exists in a criminal trial.

- 03.03.12 Give the definition of "evidence."

- 03.03.13 Define the following types of evidence and give examples of each:
- a. tangible evidence, including "real" evidence and "documentary" evidence

 - b. testimonial evidence

 - c. demonstrative/illustrative evidence
- 03.03.14 Explain the difference between "direct evidence" and "circumstantial evidence."
- 03.03.15 Explain what is meant by "relevant evidence."
- 03.03.16 Explain under what circumstances relevant evidence may be excluded from a trial.
- 03.03.17 Explain the confidential communication privileges and their exceptions.

- 03.03.18 Explain the importance and methods of bolstering or attacking the credibility of a witness.
- 03.03.19 Explain character evidence and when it can be introduced into evidence.
- 03.03.20 Explain the rules regarding prior bad acts and when they can be introduced into evidence.
- 03.03.21 Explain the rules governing the admission of prior sexual behavior of the victim.
- 03.03.22 Explain the limited circumstances when an officer will be allowed to refresh their memory while testifying.
- 03.03.23 Explain the difference between a lay witness and an expert witness at trial.

03.03.24 Define "hearsay."

03.03.25 Define "non-hearsay."

03.03.26 List and describe hearsay exceptions that are admissible regardless of the availability of the declarant.

03.03.27 Explain under what circumstances a hearsay declarant is considered to be unavailable to testify.

03.03.28 List and describe hearsay exceptions that are admissible only when the declarant is unavailable to testify.

03.03.29 Explain "chain of custody" and its importance.

03.03.30 Define "authentication" and its importance.

03.03.31 Define and explain the importance of corroboration in general, and how it applies to defendants' confessions and a co-defendant's statements.

03.03.32 Explain the steps an officer must take in preparing for court.

- 03.04.01 Give the definition of a crime.
- 03.04.02 Explain the difference between a felony, misdemeanor, and infraction.
- 03.04.03 Identify and explain the five basic elements of any crime.
- a. date
 - b. location
 - b. identity (defendant)
 - d. act
 - e. intent
- 03.04.04 Define and give examples of defenses to a criminal prosecution.
- 03.04.05 Explain the difference between a principal, an accomplice and an accessory to a crime.

03.04.06 Define an "attempted" crime.

03.04.07 Identify and explain the elements of conspiracy.

03.04.08 Define criminal solicitation.

03.04.09 Identify the elements of burglary.

03.04.10 Identify the elements of unlawful entry.

03.04.11 Identify the elements of theft.

03.04.12 Explain the difference between grand theft and petit theft.

- 03.04.13 Identify the elements of willful concealment.
- 03.04.14 Identify the elements of unauthorized use of a motor vehicle.
- 03.04.15 Identify and explain the crimes connected with drawing checks on accounts without funds or insufficient funds.
- 03.04.16 Identify and define the crimes connected with the misuse of a financial transaction card (FTC).
- 03.04.17 Identify the elements of forgery.
- 03.04.18 Identify the elements of robbery.
- 03.04.19 Identify the elements of arson and differentiate between first, second and third degree arson as well as aggravated arson.

- 03.04.20 Identify the elements of malicious injury to property (misdemeanor and felony).
- 03.04.21 Identify the elements of intimidating a witness (misdemeanor and felony).
- 03.04.22 Identify the elements of malicious harassment.
- 03.04.23 Identify the elements of use of the telephone to threaten or harass.
- 03.04.24 Identify the elements of stalking.
- 03.04.25 Identify the elements of disturbing the peace.
- 03.04.26 Identify and distinguish the elements of resisting or obstructing an officer and providing false information to an officer.

03.04.27 Identify the elements of trespass.

03.04.28 Identify the elements of carrying a concealed weapon.

03.04.29 Identify the elements of assault.

03.04.30 Identify the elements of aggravated assault.

03.04.31 Identify the elements of battery.

03.04.32 Identify the elements of aggravated battery.

03.04.33 Identify the elements of domestic violence.

03.04.34 Identify the elements of rape.

03.04.35 Identify the elements and be able to differentiate between the various crimes against children, including:

- a. lewd and lascivious conduct with a child under the age of sixteen
- b. sexual abuse of a child under the age of sixteen
- c. sexual battery of a child of sixteen or seventeen
- d. sexual exploitation of a child
- e. enticement of a child
- f. injury to a child (misdemeanor and felony)

03.04.36 Identify the elements of kidnapping, and differentiate between first and second degree kidnapping.

03.04.37 Identify the elements of Child Custody Interference (misdemeanor and felony)

03.04.38 Identify and distinguish the elements of manslaughter, murder, and first-degree murder.

03.04.39 Identify the elements of felony murder.

03.04.40 Distinguish between voluntary, involuntary, and vehicular manslaughter.

03.04.41 Explain when homicide is justified or excusable.

CURRICULUM TITLE:**3.5 LAWS OF ARREST**

- 03.05.01 Identify the types of encounters between law enforcement and a citizen (consensual, investigatory detention, and arrest).
- 03.05.02 Identify the constitutional provision that establishes the authority to arrest.
- 03.05.03 Identify the statutes that establish authority to arrest.
- 03.05.04 Explain the legal meaning of arrest.
- 03.05.05 Identify the requirements for an arrest with a warrant - both misdemeanor and felony.
- 03.05.06 Identify the requirements for an arrest without a warrant - both misdemeanor and felony.

- 03.05.07 Identify what a warrant of arrest must contain.
- 03.05.08 Know the additional requirements associated with the following arrests:
- a. pursuit of suspects
 - b. jurisdiction
- 03.05.09 Identify persons exempt from arrest.
- 03.05.10 Identify the mechanics of an arrest and exceptions.
- 03.05.11 Identify the rights of a person who has been arrested.
- 03.05.12 Identify when a police officer may stop and detain a person.
- 03.05.13 When can one private citizen arrest another?

03.05.14 Explain when an officer may detain a person for the collection of evidence.

03.05.15 Know the statutory provisions relating to:

- a. a mentally ill person
- b. children within the purview of the Child Protection Act
- c. one temporarily incapacitated due to intoxication

03.05.16 Identify issues when law enforcement may arrest at a person's residence.

03.05.17 Identify the limitations on arrest found in Title 49 (traffic code).

03.05.18 Define "statute of limitations" and its application to various offenses.

03.06.01 Explain the history and development of search and seizure.

a. English Common Law-Magna Carta

b. U.S. Constitutional development

c. Idaho Constitutional development

03.06.02 Identify and explain the "Exclusionary Rule."

03.06.03 Explain the following:

a. probable cause

1. reliability

2. currency (staleness)

3. sufficiency-totality of circumstances

b. reasonableness

c. particularity

d. reasonable suspicion

e. investigatory detention

03.06.04 Identify and explain the Idaho State Statutes (Title 19, Rule 41) pertaining to search warrants with respect to:

- a. contents
- b. mechanics of obtaining search warrants
- c. issuance – who can serve
- d. search of person, premises, motor vehicle
- e. when warrants may be served
- f. what may be seized
- g. return of warrant
- h. interference with search
- i. disposition of property
- j. time limitation
- k. receipts for property taken

03.06.05 List the elements to make a search warrant affidavit or application sufficient with respect to:

- a. description of property to be seized

- b. justification for seizure/probable cause
- c. description of person or place to be searched
- d. reliable hearsay evidence

03.06.06 Identify and explain the exceptions to the search warrant requirement:

- a. incident to lawful arrest
- b. valid consent
- c. stop and frisk situations
- d. automobile searches
- e. exigent circumstances
- f. plain view

03.06.07 Identify and explain additional search and seizure considerations:

- a. community caretaking function
- b. search of third parties
- c. license and registration requests

- d. inventory searches
- e. sensory enhancement devices

03.06.08 Identify and list the six primary areas not covered under the 4th Amendment:

- a. open field (complete while at POST)
- b. public premises (complete while at POST)
- c. private premises/plain view
- d. abandoned property
- e. surrendered property (complete while at POST)
- f. actions of private citizens (complete while at POST)

- 03.07.01 Explain the overall mission of the Idaho Department of Fish and Game.
- 03.07.02 Explain why wildlife law enforcement is an essential part of successful wildlife management programs.
- 03.07.03 Identify the major law enforcement problems the Department of Fish and Game is currently facing in the field.
- 03.07.04 What wildlife parts are there legal or illegal markets for?
- 03.07.05 Explain why individuals violate fish and game laws and what three (3) classes or types they can be categorized into.
- 03.07.06 Identify what types of investigative aids (records) are available through the Department of Fish and Game.
- 03.07.07 Identify who is authorized to enforce State Fish and Game code, and what restrictions are placed on jurisdictional authority.

- 03.07.08 Explain what operational procedures should be followed when enforcing fish and game code and seizing related evidence.
- 03.07.09 Explain how to use the fish and game abbreviated codes to locate appropriate violation codes and properly issue a related citation.
- 03.07.10 Explain what options an officer has when resident and non-resident fish and game violations occur, as it relates to the Wildlife Violator Compact with other states.
- 03.07.11 What is required to possess a Resident Fish or Game License?
- 03.07.12 Identify the steps for safely handling and dealing with wildlife.
- 03.07.13 What officer safety issues are involved when making fish and game contacts with the public?

CURRICULUM TITLE: 3.8 IDAHO BRAND LAW
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- 03.08.01 What are the functions of Idaho's Brand Departments?

- 03.08.02 Identify the authority granted peace officers to issue citations and arrest violators for violation of brand inspection laws.

- 03.08.03 Explain ex-officio brand inspectors and what authority they have.

- 03.08.04 Explain the requirements for brand inspection as determined in Idaho Code 25-1121.

- 03.08.05 Identify and explain the forms that may accompany livestock in transit, including:
 - A. Brand Card

 - B. Brand Inspection Certificate

 - C. Annual Inspection

 - D. Lifetime Ownership and Transportation Certificate

 - E. Written Permit

- 03.08.06 Explain the authority to impound livestock if no satisfactory evidence of ownership can be produced, as determined in Idaho Code 25-1172.
- 03.08.07 Explain the authority to impound vehicles used in transporting stolen livestock, as determined in Idaho Code 25-1171.
- 03.08.08 Identify the procedure for handling strays as discussed in Idaho Codes 25-2301 through 25-2312.
- 03.08.09 How is the possible deployment of law enforcement in a state livestock emergency quarantine connected to Homeland Security?
- 03.08.10 What are Herd Districts and Open Range Laws and how do they work?

CURRICULUM TITLE:**3.9 USE OF FORCE**

- 03.09.01 Define "Use of Force," "Excessive Force," and "Deadly Force" and explain the relationship between them.
- 03.09.02 Identify the three primary sources of limitation on the use of force and how they relate to one another.
- 03.09.03 Identify and discuss the Constitutional principles that limit the use of force.
- 03.09.04 Discuss Idaho Code §19-602 as it relates to the use of force.
- 03.09.05 Discuss Idaho Code §19-610 as it relates to the use of force.
- 03.09.06. Discuss Idaho Code §19-610 and 18-4011 as they relate to the use of deadly force.

03.09.07 Discuss departmental policies and procedures relating to use of force.

03.09.08 Identify and discuss the four primary consequences of using excessive force: civil liability, criminal liability, departmental policy, and benefits to the criminal defendant.

CURRICULUM TITLE:**8.2 VEHICLE CODE – TRAFFIC LAW**

08.02.01 Describe the purposes of traffic law enforcement.

08.02.02 List the requirements for registration as in Sections 49-411 through 49-430, 49-456, and licensing requirements as in Sections 49-301 through 49-331.

08.02.03 Briefly explain the following common moving vehicle and vehicle-related violations:

a. 49-632 Overtake vehicle on the left

b. 49-641 Vehicle turning left

- c. 49-604 Limitations on backing
- d. 49-638 Follow too closely
- e. 49-639 Turning out of slow moving vehicles
- f. 49-644 Required position and method of turning
- g. 49-808 Turning movements and required signals
- h. 49-625 Operation of vehicle on approach of authorized emergency vehicle
- i. 49-651 Emerging from alley - driveway - or building
- j. 49-655 Minimum speed regulations
- k. 49-654 Basic rule and maximum speed limits
- l. 49-1424 Racing on public highway
- m. 49-612 Obstruction to driver's view or driving mechanism

- n. 49-614 Stop when traffic obstructed

- o. 49-701 Pedestrian obedience to traffic control devices and traffic regulations

- p. 49-709 Pedestrian soliciting rides or business - etc.

- q. 49-640 Vehicles approaching or entering intersection

- r. 49-648 Obedience to signal indicating approach of train

- s. 49-662 Officers authorized to remove vehicles

- t. 49-801 Obedience to required traffic control devices

- u. 49-807 Stop signs and yield signs

- v. 49-1401 Reckless driving

- w. 49-1405 Arrest for serious offenses

- x. 49-1404 Fleeing or attempting to elude a peace officer

y. 49-1419 Obedience to traffic direction

z. 49-1421 Driving on divided highways

aa.49-1422 Overtaking and passing a school bus

08.02.04 Briefly explain the following common equipment violations

a. 49-619 Slow moving vehicles

b. 49-913 Lamp or flag on projecting load

c. 49-923 Use of multiple beam road lighting equipment

d. 49-956 Horns and warning devices

e. 49-943 Windshields must be unobstructed and equipped with wipers

f. 49-949 Requirement as to fender or covers over all wheels on motor vehicles – penalty

- g. 49-902 Vehicle not in required condition or in unsafe condition
- h. 49-908 Stop lamps and turn signals required on motor vehicle
- i. 49-918 Spot lamps and auxiliary lamps
- j. 49-937 Mufflers, prevention of noise
- k. 49-922 Multiple-beam road-lighting equipment
- l. 49-966 Motor vehicle bumper height requirements
- m. 49-1010 Size of vehicles and loads
- n. 49-1601 Unlicensed dealers and salesman prohibited
- o. 49-1627 Use of dealer and manufacturer license plates

08.02.05 Briefly explain the following abandoned vehicle codes:

- a. 49-1801 Abandonment prohibited

- b. 49-1802 Presumption

- c. 49-1803 Removal of stolen vehicles or vehicles found under emergency circumstances

- d. 49-1804 Removal of abandoned vehicles by authorized officer

- e. 49-1805 Post-storage hearing

- f. 49-1806 Removal of unauthorized and abandoned vehicle from real property

08.02.07 Demonstrate how to complete the Idaho Uniform Citation (complete while at POST).

08.02.08 Explain Idaho Code 49-623 and what emergency equipment must be used during emergency operations (complete while at POST).

08.02.09 Explain the primary difference between a misdemeanor, an infraction, and a felony regarding penalty, 18-111, and 18-113A (complete while at POST).

08.02.10 Identify how to discern infractions from misdemeanor violations in Idaho Motor Vehicle Code (complete while at POST).

08.02.11 Understand Idaho Codes 18-8001 and 18-8004 (complete while at POST).

08.02.12 Briefly explain the main points of the following pedestrian / bicycle codes: 49-702 and 49-720.

08.02.13 Briefly explain the following insurance statutes: 49-1229 and 49-1232.

08.02.14 Briefly explain the following accident statutes: 49-1301, 49-1304, 49-1305 and 49-1410 (complete 49-1410 while at POST).