Two Day Massachusetts Rules of Criminal Procedure and Powers of Arrest Seminar

Instructor: Martin K. Stephens; Attorney at Law; and Massachusetts State Police-Retired

Wednesday: August 21, 2019 & Thursday: August 22, 2019
Westwood Police Department
588 High Street  Westwood, MA 02090

Registration will be at 8:45 a.m. and the seminar will run from 9:00 a.m. - 3:00 p.m. each day
The cost for this seminar will be $225.00 per official.
Please note: Officials must have the Commonwealth Police Service 2018 Criminal Procedure textbook that is on the HRD reading list for this class. We will not be selling textbooks at class.
To register by fax: Simply complete this form below and fax this page back to (508) 622-1820 or contact Paula Heagney at (508) 989-9848

This course shall address and discuss the essential underpinnings of the Rules of Criminal Procedure so as to permit a police officer to be "lawfully situated" pertinent to any given situation. As such, this course is unconditionally necessary for all patrol officers and the supervisors who are required to oversee said officers. Accordingly; this course shall address and discuss materials including, but not necessarily limited to, the following:

* Powers of Arrest; Place where arrest is initiated (ramifications); When an arrest warrant is required
* Probable Cause to Arrest and/or Search; Definition(s); How to establish Probable Cause; Applicability of the Two-Prong Test; When there is a "Presumption" of reliability; How to establish reliability regarding information from an Informant (confidential)
* Anonymous Tip; Greater judicial scrutiny; How is "Reliability" satisfied; What evidentiary standard applies; What process must be applied regarding an "anonymous tip" pertinent to a firearm
* When must the police obtain an Arrest Warrant and/or Search Warrant to effectuate a "lawful" arrest
* Seizure of the person; Analysis of both "Custody" and "Arrest"
* Exceptions to the Requirement of a Search Warrant:
  1. Stop and Frisk; Definition; Evidentiary standard; When may an officer "Stop" an individual; When may an officer "Frisk" an individual; Scope and Purpose of a lawful Frisk; Automobile "Frisk" (scope and Purpose)
  2. Search Incidental to a Lawful Arrest; Scope and Purpose
  3. Automobile Exception; Requirements; Scope
  4. Inventory; Now subject to much greater judicial scrutiny; Discussion of essential terminology and applicable written Department policy
  5. Consent Search; Both 1st party and 3rd party consent; Mistake of law vs. Mistake of fact
  6. Exigency/Emergency; What constitutes "exigency;" What is NOT "exigency" as a matter of law

* Plain View Doctrine; Requirements so as to permit the officer to legally seize evidence discovered/observed
* Miranda Warnings; Applicability of Miranda; Exceptions to the requirement of Miranda
Please make check payable to Commonwealth Police Legacy, Inc.
and send to PO Box 752 Norton, MA 02766
General questions please email: pheagney@policelegacy.com or call 508-989-9848

Direct Department Billing for 2019 Seminar

Agency____________________________________________________
Street address w/zip code____________________________________________________
Phone number and email address____________________________________________________

Names of officials attending (include rank if applicable):
1.)____________________________________________________ 2.)____________________________________________________
3.)____________________________________________________ 4.)____________________________________________________
5.)____________________________________________________ 6.)____________________________________________________

For specific guidance on the application of these cases or any law, please consult with your supervisor or your department’s legal advisor or prosecutor.