



## Avoiding Liability in Force Encounters and Search & Seizure Activities

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This is a first-time ever collaborative training event featuring Calibre Press's ***Legally Justified; But Was it Avoidable?*** course and Blue to Gold's ***Search & Seizure*** program, both highly popular nationwide.



**Anthony Bandiero, JD - Senior Legal Instructor, Blue to Gold Law Enforcement Training**

- Bachelor's and Master's degree - Harvard University
- Juris Doctor - Gonzaga School of Law
- Graduate - Northwestern School of Staff & Command
- Retired Sgt. Nevada Highway Patrol
- Legal Expert



**Lt. Jim Glennon (ret.) - Co-owner and Director of Curriculum, Calibre Press**

- Bachelor's degree in Psychology
- Master's degree in Police Management
- Nationally recognized law enforcement leadership expert
- Award-winning author, *Street Survival, Arresting Communication*
- 30-year policing career, including Commander of a Major Crime's Task Force
- Former Adjunct Instructor at Northwestern University

Lt. Jim Glennon, Calibre Press co-owner and Director of Curriculum will instruct the one-day *Legally Justified* course and Attorney Anthony Bandiero, owner and Senior Legal Instructor for Blue to Gold training, will instruct the one-day *Search & Seizure* program.

Bearing in mind that arrests and uses of force are, in themselves, forms of seizure, we'll explore the legalities involved with force encounters, arrests, and searches of people, vehicles, homes and other buildings.

We'll also explore, through many video examples, how officers went wrong and how to mitigate, the need to use force through deescalation efforts, tactical communication and slowing things down. This course's approach is not just focused on doing things legally or acting in a fashion that would protect officers under the dictates of Qualified Immunity, but rather on performing at the highest professional level at all times, squarely within the parameters of law and building solid case law.

### **Day 1: Advanced Search & Seizure**

**Instructed by Anthony Bandiero, JD  
Blue to Gold Law Enforcement Training**

This is an impressively thorough, easily understood dissection of the laws surrounding a variety of searches and seizures. This is critical information for all law enforcement officers who arrest subjects, search vehicles, homes or individuals in pursuit of evidence, question suspects or witnesses and participate in other common law enforcement activities.

A lack of understanding of these laws can gravely jeopardize your case and expose you to costly lawsuits. Throughout the day, Attorney Anthony Bandiero, a leading Fourth Amendment expert, will:

- Detail the 3 Golden Rules of Search & Seizure that better your chances of courtroom success.
- Explore the factors that make a private search immune from Fourth Amendment reasonableness requirements.
- Explain the four “protected areas” shielded by the Fourth Amendment
- Define the concept of “curtilage” and what you can and can’t do in those areas.
- Help you learn to determine whether a search or seizure actually occurred. How do you decide?
- Explore the differences between a trespass search and a reasonable expectation of privacy search and their associated requirements.
- Discuss issues related to abandoned property; was abandonment intentional or inadvertent? Is lost property and/or garbage considered “abandoned”?
- Explain the parameters of warrantless searches.

### **Day 2: Legally Justified; But Was it Avoidable?**

**Instructed by Lt. Jim Glennon (ret.)  
Calibre Press**

Graham v. Connor established that the moment an officer uses force is all that matters when determining whether it was objectively reasonable. Further, it determined that this moment could not be judged “with the 20/20 vision of hindsight.” In other words, it doesn’t matter how that moment came about, only what happened during it.

That said, this legal doctrine does not—and should not—preclude officers, trainers and supervisors from examining cases with that 20/20 vision. With a goal of avoiding the avoidable we should look backward from the moment force was used and honestly assess whether the officer, through action or lack of action, contributed to its ultimate need.

Throughout the day we will analyze dozens of recent force videos and dissect the behavior and interaction dynamics of both the offenders and officers. Specifically, we will consider if poor or ill-advised tactics, ineffective communication, a lack of personal control and/or a lack of preparedness to handle acute stress led the officer(s) to escalate the event unintentionally and unconsciously.

#### **We will discuss:**

- Analyzing whether force could have been avoided and the tactics and strategies that would have facilitated force avoidance.
- The impact of stress on officer behavior and decision-making and how it contributes to communication breakdown.
- The importance of “controlling the temperature” of encounters and ensuring that things don’t become unnecessarily pressurized and combative.
- The power—and acceptability—of mid-event disengagement.
- Communication skills that can avoid escalation and facilitate deescalation and cooperation.