



Advanced Criminal Investigations

COURSE OUTLINE

Make the arrest, build the case, and keep the evidence in

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Course Description

Advanced Criminal Investigations is a full-day legal course for officers and investigators who know the basics of search and seizure and want to build cases that survive the suppression hearing. It covers seven areas where good arrests routinely turn into lost evidence: search incident to arrest after *Gant*, informants, involuntary transportation, identifications, constructive possession, hotel rooms, and Miranda. The recurring lesson: the more you articulate why you did something, the more likely it will be upheld in court.

Course title	Advanced Criminal Investigations (ACI)
Length	8 hours (480 minutes, including a 60-minute lunch and two 10-minute breaks; 400 minutes of instruction)
Learners	In-service training for certified law enforcement officers, including patrol, detectives, narcotics and street crimes units, task force officers, federal agents, and supervisors
Prerequisites	None. Working knowledge of reasonable suspicion, probable cause, and the consent, exigency, and warrant framework is assumed.
Methods	Lecture with slides, case briefs, video case studies, Socratic discussion, hypotheticals, and report-writing articulation examples
Assessment	Instructor observation of participation in hypotheticals and “Your Turn” prompts. Certificates issued through Blue to Gold University.
Instructor	Blue to Gold legal instructor. Course author: Anthony Bandiero, Esq., Attorney and President.
Contact	Blue to Gold, LLC, 174 E Neider Ave #212, Coeur d’Alene, ID 83815 888-579-7796 info@bluetogold.com www.bluetogold.com

Learning Objectives

By the end of this course, the student will be able to:

1. State the three Search and Seizure Golden Rules and apply them to a written fact pattern.
2. Explain the scope of a search incident to arrest under *Robinson*, *Chimel*, and *Chadwick*, and apply the two *Arizona v. Gant* rules to vehicles and non-vehicular containers.
3. Use the container decision tree to decide whether to search a secured arrestee’s bag, inventory it, release it, or get a warrant.
4. Distinguish anonymous tipsters, identifiable citizen tipsters, and criminal informants, and state the corroboration or reliability showing each requires.
5. Identify when transporting a detainee converts a Terry stop into a de facto arrest.
6. Describe the two-step due process test for identifications and the five *Manson v. Brathwaite* factors, and build a photographic lineup or show-up that survives review.

7. Define constructive possession and list the facts that prove knowledge and intent to exercise dominion and control.
8. Apply the Miranda rules on custody, interrogation, waiver, invocation, reinitiation, the public safety exception, and intentional versus unintentional violations.

Schedule

Segment	Slides	Minutes
Part One: Introduction and Legal Fundamentals	1 to 34	20
Part Two: Search Incident to Arrest Post-Gant	35 to 104	60
Part Three: Informants	105 to 168	50
Break		10
Part Four: Involuntary Transportation and Identifications	169 to 320	110
Lunch		60
Part Five: Constructive Possession	321 to 371	35
Break		10
Part Six: Hotels and Motels	372 to 395	25
Part Seven: Miranda	396 to 542	100
Total		480

Part One: Introduction and Legal Fundamentals

SLIDES 1 TO 34 | 20 MINUTES

- ▶ Instructor introduction, course objective, and roadmap: Legal Fundamentals, Search Incident to Arrest Post-Gant, Informants, Show-Ups and Six Packs, Constructive Possession, Hotels and Motels, Miranda
- ▶ Housekeeping: certificates through Blue to Gold University; disclaimers (federal standard, ask a supervisor or legal advisor, legal education not legal advice); content advisory
- ▶ The Fourth Amendment: reasonableness clause and warrant clause
- ▶ Golden Rule One: the more you articulate why, the more likely it will be upheld; *Olmstead v. U.S.*, 277 U.S. 438 (1928) (Brandeis, J., dissenting)
- ▶ Golden Rule Two: the more serious the crime, the more reasonable your actions are viewed; *United States v. Brignoni-Ponce*, 422 U.S. 873 (1975)
- ▶ Golden Rule Three: probabilities, not possibilities; a search is good or bad when it starts, *U.S. v. Di Re*, 332 U.S. 581 (1948)

Part Two: Search Incident to Arrest Post-Gant

SLIDES 35 TO 104 | 60 MINUTES

The Foundations of Search Incident to Arrest (slides 35 to 52)

- ▶ Custodial arrest on probable cause justifies a full search of the person; *United States v. Robinson*, 414 U.S. 218 (1973)
- ▶ Person and area within immediate control, including containers; *Chimel v. California*, 395 U.S. 752 (1969); *United States v. Rabinowitz*, 339 US 56 (1950)
- ▶ Not the dwelling: *Agnello v. United States*, 269 U.S. 20 (1925)
- ▶ Remote in time or place is not incident to arrest: *United States v. Chadwick*, 433 U.S. 1 (1977)
- ▶ Search may precede formal arrest with prior probable cause: *Rawlings v. Kentucky*, 448 U.S. 98 (1980); *United States v. Johnson*, 913 F.3d 793 (9th Cir. 2019); *State v. Sanchez*, 538 S.W.3d 545 (Tex. Crim. App. 2017)
- ▶ Cell phones require a warrant: *Riley v. California*, 573 U.S. 373 (2014)

Gant and the Container Problem (slides 53 to 79)

- ▶ *New York v. Belton*, 453 U.S. 454 (1981) and the two *Gant* rules: unsecured and within reach, or reason to believe evidence of the crime of arrest; *Arizona v. Gant*, 556 U.S. 332 (2009)
- ▶ First *Gant* rule extended to backpacks and purses: *State v. Nye*, 468 P.3d 369 (Nev. 2020); *United States v. Davis*, 997 F.3d 191 (4th Cir. 2021)
- ▶ Impound rationale fails when a third party can take the bag: *United States v. Braxton*, 61 F.4th 830 (10th Cir. 2023)
- ▶ Grab-area factors: *United States v. Knapp*, 917 F.3d 1161 (10th Cir. 2019); the categorical counterargument, *Birchfield v. North Dakota*, 579 U.S. 438 (2016)

Hypotheticals and the Container Decision Tree (slides 80 to 104)

- ▶ Purse on the lap, purse in the back seat, cite-and-release shoplifter; *People v. Pressley* (1966) 242 Cal.App.2d 555; *United States v. Pope*, 686 F.3d 1078 (9th Cir. 2012); *Cupp v. Murphy*, 412 U.S. 291 (1973)
- ▶ Decision tree: search and articulate (*Chadwick*, *Robinson*, *Chimel*; inventory under *Illinois v. LaFayette*, 462 U.S. 640 (1983) and *Florida v. Wells*, 495 U.S. 1 (1990); inevitable discovery, *United States v. Bullette*, 854 F.3d 261 (4th Cir. 2017), *Nix v. Williams*, 467 U.S. 431 (1984)); or release to a third party with a liability form (*Colorado v. Bertine*, 479 U.S. 367 (1987)); or get a warrant; or inventory for safekeeping

Part Three: Informants

SLIDES 105 TO 168 | 50 MINUTES

Unidentifiable Tipsters (slides 105 to 134)

- ▶ Anonymous tips must be corroborated with inside information; the “penthouse observer” test
- ▶ *Florida v. J.L.*, 529 U.S. 266 (2000); *In re Roy L.*, 4 P.3d 984 (Ariz. Ct. App. 2000); *Babcock v. Olson*; *Alabama v. White*, 496 U.S. 325 (1990)
- ▶ *U.S. v. Watson*, 900 F.3d 892 (7th Cir. 2018); *Ramirez v. State*, 672 S.W.2d 480 (1984); *Harris v. Commonwealth*, 276 Va. 689 (2008); the public emergency dictum

Identifiable Tipsters (slides 135 to 153)

- ▶ Reliability and basis of knowledge; victims and witnesses presumed reliable
- ▶ *Adams v. Williams*, 407 U.S. 143 (1972); *Comm. v. Allen*, 555 Pa. 522 (1999); *State v. Paszek*, 184 N.W.2d 836 (1971); *State v. Evans*, 692 So. 2d 216 (1997)
- ▶ 911 calls: *Navarette v. California*, 572 U.S. 393 (2014); *State v. Thompson*, No. A-5530-17T1 (2020)

Criminal Informants (slides 154 to 168)

- ▶ Reliability must be explained, not concluded: *Aguilar v. Texas*, 378 U.S. 108 (1964); *U.S. v. Weaver*, 99 F.3d 1372 (1996); *State v. Novembrino*, 519 A.2d 820 (1987)
- ▶ The most powerful word in report writing is “because”

Part Four: Involuntary Transportation and Out-of-Court Identifications

SLIDES 169 TO 320 | 110 MINUTES

Involuntary Transportation (slides 169 to 181)

- ▶ Terry stop versus de facto arrest: *U.S. v. Sharpe*, 105 S.Ct. 1568 (1985); *Florida v. Royer*, 460 U.S. 491 (1983); *U.S. v. White*, 584 F.3d 935 (10th Cir. 2009)
- ▶ Transport usually equals arrest absent exigency, a very dangerous stop, or other extreme cases: *United States v. Martinez*, 808 F.2d 1050 (5th Cir. 1987); *United States v. Wrensford*, 866 F.3d 76 (3rd Cir., 2017); *U.S. v. Charley*, 396 F.3d 1074 (2005); *In re Carlos M.*, 220 Cal. App. 3d 372 (1990); *Comm. v. Revheardere*, 888 A.2d 694 (2005)
- ▶ Seek consent before transporting without probable cause or exigency

The Due Process Standard for Identifications (slides 182 to 211)

- ▶ Impermissibly suggestive and very substantial likelihood of irreparable misidentification: *Simmons v. U.S.*, 390 U.S. 377 (1968); *Stovall v. Denno*, 388 U.S. 293 (1967); *Perry v. New Hampshire*, 132 S.Ct. 716 (2012); *Sexton v. Beaudreaux*, 585 U.S. 961 (2018)
- ▶ *Foster v. California*, 394 U.S. 440 (1969); *Coleman v. Alabama*, 399 U.S. 1 (1970)
- ▶ Five reliability factors: *Manson v. Brathwaite*, 432 U.S. 98 (1977); *Neil v. Biggers*, 93 S.Ct. 375 (1972)
- ▶ State variations: *Young v. State*, 374 P.3d 395 (Alaska, 2016); *Com. v. Johnson*, 420 Mass. 458 (Mass., 1995); *State v. Henderson*, 208 N.J. 208 (N.J., 2011); *State v. Martinez*, 478 P.3d 880 (N.M., 2020)

Photographic Lineups (slides 212 to 270)

- ▶ Two-pronged inquiry; size, presentation, and details: *U.S. v. Sanchez*, 24 F.3d 1259 (10th Cir., 1994); *U.S. v. Stamper*, 91 Fed.Appx. 445 (6th Cir. 2004); *Wingate v. U.S.*, 969 F.3d 251 (6th Cir. 2020)
- ▶ Arrays upheld: *U.S. v. Radaker-Carter*, 151 F.4th 840 (6th Cir. 2025); *U.S. v. Harris*, 636 F.3d 1023 (8th Cir., 2011); *U.S. v. Reamey*, 132 Fed.Appx. 613 (6th Cir., 2005); *U.S. v. Perry*, 991 F.2d 304 (6th Cir. 1993); *Searcy v. Berghuis*, 549 Fed.Appx. 357 (6th Cir. 2013); *United States v. Carbajal*, 956 F.2d 924 (9th Cir. 1992); *United States v. Johnson*, 820 F.2d 1065 (9th Cir. 1987); *U.S. v. Ruiz*, 116 F.4th 1246 (10th Cir., 2024); *U.S. v. Harper*, 124 F.4th 1094 (8th Cir., 2025)
- ▶ Arrays found unduly suggestive: *U.S. v. Crozier*, 259 F.3d 503 (6th Cir., 2001); *Jells v. Mitchell*, 538 F.3d 478 (6th Cir.2008); *Haliym v. Mitchell*, 492 F.3d 680 (6th Cir.2007)
- ▶ Position and shuffling; blind and double-blind administration; documenting the witness's actual words (murder lineup case study)

Additional Reliability Factors (slides 271 to 278)

- ▶ Pre-procedure instruction that the suspect may or may not be present; administrator feedback and witness confidence; Brady implications, *Galloway v. Cnty. of Nassau*, 141 F.4th 417 (2nd Cir., 2025)

One-on-One Show-Ups (slides 279 to 320)

- ▶ Show-ups are inherently suggestive; use only with exigency or necessity: *Stovall v. Denno*; *Archuleta v. Kerby*, 864 F.2d 709 (10th Cir. 1989); state rules in Massachusetts (*Commonwealth v. Martin*, 447 Mass. 274 (2006)) and New York (*State v. Duuvon*, 77 N.Y.2d 541 (1991))
- ▶ Time between crime and show-up: *U.S. v. Gallegos*, 111 F.4th 1068 (10th Cir., 2024); *U.S. v. Bredy*, 209 F.3d 1193 (10th Cir., 2000); *Morris v. Carey*, 438 Fed. Appx. 634 (9th Cir. 2011); *State v. McLaurin*, 337 A.3d 1039 (Conn., 2025)
- ▶ Handcuffs and patrol cars: *U.S. v. De Leon-Quinones*, 588 F.3d 748 (1st Cir., 2009); *U.S. v. House*, 823 F.3d 482 (8th Cir., 2016); *U.S. v. Bautista*, 23 F.3d 726 (2nd Cir., 1994)
- ▶ Multiple viewings and source confusion: *Young v. State*; *State v. Henderson*; *State v. Lawson*, 291 P.3d 673 (Or., 2012)

Part Five: Constructive Possession

SLIDES 321 TO 371 | 35 MINUTES

- ▶ Actual versus constructive possession; knowledge plus power and intent to exercise dominion and control: *Reyes v. State*, 334 Ga. App. 552, 780 S.E.2d 674 (2015); *United States v. DeLeon*, 641 F.2d 330 (5th Cir.1981)
- ▶ Convictions upheld: *Porter v. State*, 873 S.W.2d 729 (Tex. App. 1994); *U.S. v. Hill*, 792 F. App'x 753 (11th Cir. 2019); *Franklin v. State*, 320 So. 3d 537 (Miss. Ct. App. 2021); *U.S. v. Philips*, 496 F.2d 1395 (1974)
- ▶ Mere presence is not enough: *United States v. Moreno*, 649 F.2d 309 (5th Cir.1981); *Dirks v. State*, 386 P.3d 1269 (Alaska Ct. App. 2017)
- ▶ Convictions overturned: *State v. Gardner*, 96 N.E.3d 925 (2017); *U.S. v. Samad*, 754 F.2d 1091 (1984); *U.S. v. Giannukos*, 908 F.3d 649 (10th Cir. 2018)
- ▶ How to prove intent: guilty mind, sensory evidence, ownership and control, statements, history, deception; video hypotheticals ("That's not my bag," "I don't do drugs")

Part Six: Hotels and Motels

SLIDES 372 TO 395 | 25 MINUTES

- ▶ Hotel rooms protected like homes during the rental period; let the hotel decide on eviction; officers may assist an immediate eviction, *U.S. v. Molsbarger*, 551 F.3d 809
- ▶ Checkout time and business procedures: *Com. v. Brundidge*, 620 A.2d 1115 (1993)
- ▶ Manager consent after the rental period: *U.S. v. Huffhines*, 967 F.3d 314 (1992); *People v. Montoya*, 914 P.2d 491 (Colo. App. 1995); *United States v. Allen*, 854 Fed. Appx. 329 (11th Cir. 2021)
- ▶ The room is not the luggage: *State v. Porter*, 940 S.W.2d 391 (Tex. App. 1997)
- ▶ Video hypotheticals: check-out time, housekeeping, warrantless entry and search

Part Seven: Miranda

SLIDES 396 TO 542 | 100 MINUTES

Miranda Foundations and Agents (slides 396 to 413)

- ▶ Fifth Amendment not self-executing until custody: *Vega v. Tekoh*, 142 S.Ct. 2095 (2022); only governmental coercion counts, *Colorado v. Connelly*, 479 U.S. 157 (1986)
- ▶ Unknown agents: *Illinois v. Perkins*, 496 U.S. 292 (1990); *People v. Orozco* (2019) 32 Cal.App.5th 802; Sixth Amendment limits after formal charge

Custody (slides 414 to 428)

- ▶ Formal arrest or restraint of the degree associated with arrest: *California v. Beheler*, 463 US 1121; “not free to leave” is a factor, not the test; removing custody from a detention
- ▶ Routine traffic stops are not custody: *Berkemer v. McCarty*, 468 U.S. 420 (1984)

Interrogation and Voluntariness (slides 429 to 445)

- ▶ Words or actions reasonably likely to elicit an incriminating response: *Rhode Island v. Innis*, 446 U.S. 291 (1980); functional equivalent, *Nix v. Williams*, 467 U.S. 431 (1984)
- ▶ Coerced confessions inadmissible for any purpose and actionable under 42 U.S.C. § 1983: *Arizona v. Fulminante*, 499 U.S. 279 (1991)

Waivers (slides 446 to 474)

- ▶ Knowing and voluntary; factors; express and implied waivers; who gets the waiver
- ▶ Substantial compliance, 57 words, read from the card: *California v. Prysock*, 453 U.S. 355 (1981); *People v. Prysock*, 127 Cal.App.3d 972 (1982); *Ponce v. Craven*, 409 F.2d 621 (9th Cir. 1969)

Invocations (slides 475 to 484)

- ▶ Unambiguous and unequivocal: *Davis v. U.S.*, 512 U.S. 452 (1994); clarify during the waiver process, not the interview; never ask why, *People v. Peracchi*, 86 Cal.App.4th 353 (2001); invocations are not crime-specific

Reinitiating After an Invocation (slides 485 to 519)

- ▶ Counsel: *Edwards v. Arizona*, 451 U.S. 477 (1981); *Arizona v. Roberson*, 486 U.S. 675 (1988); *Minnick v. Mississippi*, 498 US 146 (1990); fourteen-day break, *Maryland v. Shatzer*, 559 U.S. 98 (2010); two timeline hypotheticals
- ▶ Silence: scrupulously honoring, *Michigan v. Mosley*, 423 U.S. 96 (1975); suspect reinitiates, *People v. Enraca*, 53 Cal.4th 735 (2012); *U.S. v. Jennings*, 515 F.3d 980 (2008); leave a business card; fresh warning and written waiver

Public Safety and Miranda Violations (slides 520 to 538)

- ▶ Public safety exception: *New York v. Quarles*, 467 U.S. 649 (1984); stay away from “why” questions; fentanyl garage hypothetical
- ▶ Intentional violations cannot be cleansed: *Missouri v. Seibert*, 542 U.S. 600 (2004); unintentional violations cleansed by time, place, officer, disclaimer, and fresh waiver

- ▶ Physical fruits of a voluntary unwarned statement admissible: *United States v. Patane*, 542 U.S. 630 (2004)

Closing the Class (slides 539 to 542)

- ▶ Return to Golden Rule One and the word “because”; questions; class photo; certificates through Blue to Gold University