

# Student Interactions with Peace Officers Grades 9-12 Model Curriculum





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# Introduction to Ohio's Model Curriculum

In accordance with [Ohio law](#), the Ohio Department of Education collaborated with the Ohio Department of Public Safety to create the Student Interactions with Peace Officers Model Curriculum for grades 9-12. This model curriculum provides instruction on proper interactions with peace officers during traffic stops and other in-person encounters. [Ohio law](#) identifies four content requirements for this model curriculum:

- Information on which individuals are peace officers and their duties and responsibilities
- Questioning and detention laws, including any that require proof of identity and consequences for failure to comply with the laws
- A person's rights during an interaction with a peace officer
- Proper interactions for interacting with peace officers

[Ohio law](#) also requires demonstrations and role-playing activities in classroom settings to give students a better understanding of how interactions between officers and individuals can and should unfold.

Students and individuals across Ohio interact with different law enforcement jurisdictions and agencies. Considering these local differences is critical to planning instruction. Under [Ohio law](#) each city, local, exempted village and joint vocational school districts and community schools [shall provide instruction](#) on proper interactions with peace officers during traffic stops and other in-person encounters using this model curriculum. Each district [shall include](#) this instruction in one or more courses offered for graduation purposes to students in grades 9 through 12. Districts and schools are encouraged to partner with local law enforcement, including school resource officers, legal rights organizations, local bar associations, local prosecutor offices, public defender offices and local attorneys, to help plan and provide instruction on this model curriculum when possible. This instruction presents an opportunity to continue to build positive relationships between peace officers and students and reinforce the role both individuals and peace officers play in being co-producers of public safety.

Peace officers are also being taught a companion version of this model curriculum. [Ohio law](#) requires the Attorney General to adopt rules requiring continuing education for existing peace officers on proper interactions with individuals during traffic stops and other encounters. [Ohio law](#) requires the Ohio Peace Officer Training Commission to recommend rules to the Attorney General for peace officer basic training on proper interactions with individuals during traffic stops and other encounters.

Additionally, under [Ohio law](#), the Director of Public Safety is required to adapt the model curriculum for use in driver training programs and new driver instructional materials.



## FORMAT OF THE MODEL CURRICULUM

This model curriculum is formatted to provide guidance and support for districts and schools to plan for instruction on proper interactions with peace officers. The model curriculum uses similar terminology to other model curricula produced by the Ohio Department of Education.

- “Content elaborations” are designed to clarify and support the content required in this instruction.
- “Expectations for learning” are statements that specify what students should know and be able to do through this instruction and offer guidance for assessing learning.

Districts, schools and educators choose their own local curriculum. This means they plan the instruction and select the teaching techniques, texts and other instructional materials for their students to help them gain the knowledge and skills called for in this model curriculum. Educators can teach the content in a different order than presented in this model curriculum. Districts, schools and teachers may design a local curriculum that organizes and frames the concepts of the model curriculum to fit local needs best. Districts, schools and teachers also determine the structure of the role-playing and demonstration requirement. The selection of instructional materials used to teach the concepts included in this model curriculum is also a local decision. The model curriculum provides hyperlinked resources as supporting information for educators. These resources are not required to be used as part of instruction.

School districts and other public schools are permitted and encouraged to modify or expand upon the instruction in this model curriculum to appropriately serve the community’s needs after soliciting input from local law enforcement agencies, [driver training schools](#) and local communities, which may include parents and students.

**Instruction on proper interactions with peace officers can be sensitive and sometimes emotional for students.** When planning instruction, districts and schools **should carefully plan instructional strategies** that are **developmentally appropriate** and **designed to protect all students involved**. For example, schools may consider making sure that the appropriate student support staff are aware of when any instruction is occurring and letting students know they are available if needed. Teachers should consider and prepare for varying student responses.

Districts and schools should consider strategies for communicating to parents, guardians and communities ahead of any planned instruction on student interactions with peace officers, including information about any role-playing or demonstrations the district or school is planning. Additional guidance for schools and districts on role-playing and demonstrations can be found later in this model curriculum.

## DISCLAIMER

The information and resources in this model curriculum are for instructional use and are not intended for use as legal advice. Anyone with a specific legal issue or question is encouraged to seek advice from a licensed attorney or local counsel.



Instructors should reiterate this disclaimer as part of the instruction. Individuals not licensed to practice law in Ohio should not engage in [the unauthorized practice of law](#).

Through this instruction, educators are empowered to provide the legal information outlined in this model curriculum but should not give legal advice. Informing students of their rights is an example of providing legal information and the goal of this model curriculum. On the other hand, advising students on how to exercise their rights may be an example of providing legal advice to a student. Students may have questions that are not addressed in this model curriculum. Districts and schools are encouraged to partner with local law enforcement, school resource officers and legal rights organizations, including local bar associations, local prosecutor offices, public defender offices and local attorneys to help address additional questions that may occur before, during and after this instruction.

This model curriculum covers the topics cited in [Ohio law](#), but is not exhaustive in covering all legal rights and responsibilities of individuals and peace officers.

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## Content Guidelines

### SECTION 1: Individuals who are considered peace officers and their duties and responsibilities.

#### SECTION 1

##### Content Elaboration

This section covers the different types of peace officers, their role in Ohio and their law enforcement responsibilities.

The term **“peace officer”** in Ohio includes many types of law enforcement officers across the state, such as:

- City, municipal or township police officers and sheriffs, marshals and constables
- Regional transit authority police officers
- Peace officers working as school resource officers
- University or campus hospital, metropolitan housing authorities, veterans’ homes, qualified nonprofit corporation officers and some railroad officers
- Ohio State Highway Patrol troopers
- Undercover drug agents

A complete list of "peace officers" can be found in [Ohio law](#). This model curriculum guides student interactions with all peace officers.

**“School resource officers,”** defined by [Ohio law](#), are peace officers selected to work with a district or school as specified in [Ohio law](#). This statute also defines their responsibilities and qualifications. However, a peace officer that is not a “school resource officer” may also be present in a district or school. Alternatively, a district or school may employ an individual they refer to as a school resource officer or similar title but is not a “school resource officer” as defined by the statute.

The role of peace officers is to balance an individual's rights and public order. A peace officer's goals in maintaining order include enforcing state and local laws, preserving the peace, preventing crimes, protecting civil rights and liberties and providing other services.

In accomplishing the above goals, peace officers’ (including school resource officers) responsibilities can include the following:

- Preventing and responding to conduct that threatens life and property
- Conducting questioning, interrogations, searches and arrests
- Aiding individuals in danger of physical harm by providing service or advice to crime victims or attempting to identify those who are at risk of becoming victims
- Facilitating the movement of vehicles and crowds (e.g., traffic enforcement, crowd control)



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- Assisting individuals who cannot care for themselves (e.g., checking on elderly individuals during storms and power outages, referring a person to a mental health provider)
- Resolving conflicts
- Identifying problems that have the potential to develop into serious situations
- Creating and maintaining a sense of security within the community

### Expectations for Learning

- Identify different types of peace officers
- Describe the duties and responsibilities of peace officers

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## SECTION 2: Laws regarding questioning and detention by peace officers.

### SECTION 2

#### Content Elaboration

This section covers **three types of interactions with peace officers: consensual encounters, investigative stops and arrests**. It describes the need for peace officers to establish **reasonable suspicion** to conduct an investigative stop and establish **probable cause** when arresting an individual. The content elaboration also focuses on **proof of identity requirements** and the **consequences for an individual for failing to comply with those laws**.

#### Types Of Interactions with Peace Officers

Three types of interactions or encounters can occur with peace officers:

- 1) Consensual encounters
- 2) Investigative stops
- 3) Arrests

#### 1) Consensual Encounters

**Consensual encounters** occur when an officer approaches an individual and engages them in conversation or has a simple question or request (non-command). This means that a “reasonable person” **feels** they can walk away. An individual may:

- Engage/respond to the officer
- Walk away or leave the area
- Decline to identify themselves (This is *not* the case for “Terry stops”/traffic stops or arrests, where there are criminal offenses associated with failing to comply or provide the required information. This is covered in a later section of the model curriculum.)

Consensual encounters do not require the peace officer to have:

- Reasonable suspicion
- Probable cause of a crime
- Any other justification

Interactions are no longer consensual when officers take actions that would make a “**reasonable person**” doesn’t feel they are free to leave the area. These police actions may include (but are not limited to) any of the following:

- Giving commands or orders
- Pointing a weapon
- Surrounding a person with multiple officers
- Frisking or touching the person without consent
- Holding on to a license or identification after a quick consensual examination



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- Handcuffing, restraining or moving a person without consent

Officers must have **reasonable suspicion** to stop or detain an individual and **probable cause** to arrest or charge an individual with an offense.

### **Reasonable Suspicion/Investigative Detentions**

**Reasonable suspicion** - Officers have reasonable suspicion when they are aware of specific facts that they can describe and when judged objectively, lead a reasonable person to believe criminal activity occurred or was occurring.

Factors that can be used to determine reasonable suspicion:

- Subject's demeanor and actions, including nervousness, suspicious behavior or flight from a peace officer
- Time and location:
  - **Time** – Actions that are unusual for the time of the day or a person's presence in a location that is unusual for the time of day may, with other factors, support reasonable suspicion
  - **Location** – A suspect's location relative to the crime scene area and escape routes or high crime areas
- Subject's criminal history and gang affiliation, description and dress
- Information from law enforcement and official sources (e.g., crime alerts, informants)

### **Probable Cause/Arrests**

**Probable cause** exists when an officer can articulate the facts and circumstances that would lead a reasonable person to believe that a crime has been committed and the person about to be arrested committed that unlawful act.

In establishing probable cause, officers rely on several sources of information, including:

- Personal observations
- Informants' tips
- Reports from other law enforcement officers and agencies
- Leads from the victim or witnesses
- Physical evidence found at the scene
- Past criminal record of the suspect
- Statements made by the suspect

**Reasonable suspicion** is a lower level of suspicion or evidence than probable cause.

Officers consider the totality of the circumstances when determining if reasonable suspicion exists. When courts review a claim of reasonable suspicion, they tend to place great weight on factors related to the suspect's behavior — the more factors



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present, the more likely reasonable suspicion exists.

The below chart is used in training peace officers in Ohio:

Degree of suspicion	Response permitted by the Constitution
Proof beyond a reasonable doubt	Suspect may be convicted of the crime and punished
Probable cause to believe that the suspect is guilty	Suspect may be arrested
Reasonable suspicion that the suspect is involved in criminal activity	Suspect may be seized and detained for a brief investigation
Hunch	Interactions must be consensual

Highest  
↑  
Lowest

### 2) Investigative Stops

**Investigative stops** (also known as investigative detentions or “Terry stops”) are the second type of interaction between peace officers and individuals. The United States Supreme Court case establishing investigative stops was [Terry v. Ohio \(1968\)](#). This Supreme Court decision established two principles defining investigative stops:

- Police may detain individuals for investigation of conduct that creates reasonable suspicion of criminal activity; and
- When detention is justified, police may conduct a protective weapons search (“Terry frisk” or “pat-downs”) if they have reasonable suspicion the detainee may be armed and dangerous
  - “Terry frisks”/“pat-downs” and probable cause-based searches are described in more detail later in the model curriculum.

If an individual is unsure if they are being detained, they may ask the officer if they are free to leave.

Typically, an investigative stop or detention must be brief and no more intrusive than needed to verify or dispel the officer's suspicions. If the officer has not established probable cause, an arrest would be unlawful.

### Traffic Stops

Traffic stops are a type of “Terry stop”/investigative detention.

Making random stops without reasonable suspicion or probable cause is considered unconstitutional unless officers operate a



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lawful checkpoint.

An officer has the authority to stop a motorist when either:

- The peace officer observes the motorist committing a minor traffic offense or equipment violation, or
- The peace officer has reasonable suspicion the motorist is engaged in criminal activity or an ongoing traffic violation

Peace officers may order drivers and/or passengers to exit, to remain in the vehicle or return to the vehicle.

Additional information about traffic stops:

- Traffic stops may become dangerous for the driver, passengers and officers when individuals unlawfully refuse to exit the vehicle when ordered by peace officers
- An officer can request a passenger's identification but cannot force the passenger to provide it unless the officer has reasonable suspicion or probable cause to believe the passenger has committed a crime (this is covered below in "Failure to Disclose Personal Information")

Pretextual stops are types of stops made for minor traffic offenses which enable authorities to detain suspects for investigation for possible criminal offenses. Courts have found this to be constitutional in certain circumstances. However, selective enforcement by officers based on illegal class-based considerations such as race is not constitutional (see [Whren v. United States \(1996\)](#)).

**During traffic stops, the [United States Supreme Court](#) has held that officers may order a motorist to get out of a car that has been stopped properly, even without suspicion of criminal activity or determining that the driver posed a danger.** Failing to comply with orders or signals from peace officers is considered a misdemeanor of the first degree in [Ohio law](#).

### **"Terry Frisks" / "Pat-Downs"**

Courts have permitted "Terry frisks" or "pat-downs" during investigative stops where the officer has reasonable grounds to believe the individual is armed\* and the individual poses a danger to the officer or others.

\*This does *not* mean that the officer has to see a weapon.

"Terry frisks" or "pat-downs" (which are not the same as searches) are limited to patting the suspect's outer clothing looking for weapons only. After an object is determined not to be a weapon, the officer may not continue touching it to figure out what it is. While an officer may not search for objects other than weapons during a "Terry frisk," if the officer physically feels an object that the officer immediately recognizes as contraband, the officer may seize that object as well.



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### **Protective Sweeps**

Peace officers are permitted to conduct protective sweeps to ensure their own safety and the safety of others at the scene when they have established reasonable suspicion that an individual could gain access to a weapon.

Protective sweeps may include:

- Check of the immediate area where the person can reach and potentially gain immediate control of a weapon (this can include purses, backpacks and other bags)
- Seizure of any weapons in plain view
- Seizure of any contraband discovered while searching for weapons

Additionally, when making an arrest in a private residence, if there is reasonable suspicion that a person may be somewhere in the home who may pose a danger, then the entire home may be swept for the purpose of locating any persons who may cause harm. This limits the scope of the sweep to locations where a person may be hiding.

### **Identification Requirements and Consequences for Failing to Comply**

Requests for identification and questioning are the most common techniques peace officers use during investigative stops. Unless it escalates beyond an investigative stop, brief questioning during these detentions does not require the issuing of “**Miranda warnings.**” The law does not require individuals to answer questions during investigative stops with limited exceptions, and peace officers may not treat their refusal to answer as grounds for arrest because arresting individuals for refusing to answer questions during investigative detentions would violate their Fifth Amendment right against self-incrimination. There are limited exceptions, however. Failing to disclose personal information or failing to display/furnish satisfactory proof of a driver’s license are offenses under Ohio law.

### **Failure to Disclose Personal Information**

[Ohio law](#) requires that an individual who is detained in a public place must provide their name, address and date of birth\* to a peace officer who requests it, if the officers reasonably suspect they:

- Are committing, have committed or are about to commit criminal offenses
- Witnessed a violent felony offense or a felony offense that causes, results in or may cause risk of serious physical harm to another person or property
- Are conspiring to commit or are complicit in committing criminal or felony offenses as described above

\* A person can refuse to reveal age or date of birth if that is an element of the suspected crime (for example, age is an element of underage drinking). Failure to disclose personal information as required by this section is a [fourth-degree misdemeanor](#).

**Failure to display/furnish satisfactory proof of license:** Additionally, individuals stopped while operating a vehicle [must display their driver identification card](#) (or satisfactory proof of license) when asked by a peace officer. Failure to do so is an



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unclassified misdemeanor unless the person has two or more prior violations within three years, in which case it is a first-degree misdemeanor.

**Falsification:** Information provided must be truthful. Knowingly providing false information, or swearing or affirming to the truth of a previous false statement, in order to mislead a public official is a [first-degree misdemeanor](#).

### 3) Arrests

**Arrests** are a third type of interaction between peace officers and individuals. An arrest occurs when an individual is apprehended or restrained by a peace officer because there is **probable cause** to believe they have committed an offense.

To make an arrest, officers must either obtain a warrant supported by probable cause or have probable cause at the time of the arrest and an exception to the warrant requirement (for example, an “on-view” arrest, meaning the officer witnessed the violation occur). Probable cause exists when an officer can articulate the facts and circumstances that would lead to a reasonable person believing that:

- A crime has been committed or
- The person about to be arrested committed that unlawful act

Factors in establishing probable cause are described earlier in this section and may be helpful to reiterate.

### Expectations for Learning

- Identify differences between consensual encounters, investigative stops or detentions and arrests
- Identify the differences between reasonable suspicion and probable cause and what factors are used to determine if reasonable suspicion or probable cause exists
- Describe the personal identification information individuals are required to provide when lawfully asked by a peace officer
- Describe the consequences of not providing personal identification or giving false information to a peace officer when required to be given



## SECTION 3: A person's rights during an interaction with a peace officer

### SECTION 3

#### Content Elaboration

This section covers the specific constitutional rights of individuals during interactions with peace officers. Interactions with peace officers are one type of government interaction that individuals may encounter. Individuals maintain protections from unlawful government activity through Constitutional rights, including but not limited to **Fourth Amendment rights, Fifth Amendment rights** and "**Miranda rights.**"

Individuals maintain specific **constitutional rights** during any interaction with a peace officer. The first ten amendments to the United States Constitution are known as the **Bill of Rights**. These amendments were added to the Constitution to ensure the individuals' rights and to protect them from actions by government that would infringe upon those rights, including during interactions with peace officers.

#### Fourth Amendment Rights

The [Fourth Amendment to the United States Constitution](#) protects from unreasonable searches and seizures.

An investigative stop or detention (also known as a "[Terry stop](#)") or an arrest implicates an individual's Fourth Amendment rights. During consensual encounters with the police, individuals retain the right to leave the area or walk away, decline to identify themselves or decline to communicate with the peace officer. **If an individual is unsure if they are being detained, they may ask the officer if they are free to leave.**

Individuals' rights under the Fourth Amendment are implicated when a peace officer:

- Detains an individual for investigation
- Brings an individual under control using force
- Conducts a search of a person, place or thing
- Seizes evidence

Intentional and unintentional violations of the Fourth Amendment can have the following consequences:

- Exclusion of evidence from court proceedings
- Sanctioning of the peace officer
- Peace office found civilly or criminally liable

To detain an individual for questioning and investigation, peace officers must establish **reasonable suspicion**.

Peace officers must establish **probable cause** prior to arresting an individual or seizing property.



## SECTION 3

### Reasonable Expectation of Privacy

The **Fourth Amendment** protects those areas where people have a **reasonable expectation of privacy**. Court cases have established a two-part analysis to determine a reasonable expectation of privacy

- The individual must have exhibited an actual expectation of privacy
- The expectation of privacy must be one that society is willing to accept as reasonable

For example, two people having a conversation in a restaurant would not be found to have a reasonable expectation of privacy since that conversation is occurring in a public space. The same two people meeting in a reserved room at a public library would reasonably expect privacy. However, if others could hear that conversation outside of the room with an unaided ear, there would be no reasonable expectation of privacy.

Students have a reasonable expectation of privacy in their personal effects while at school. Whether and how that right can be infringed upon depends on who is doing the search and why. School officials have a more relaxed standard than law enforcement, but law enforcement must still adhere to the same search and seizure standards that exist outside of school. This means that a school official may be able to search a student's backpack, purse, etc., before a law enforcement officer would be able to:

- Students have fourth amendment rights in school
- Law enforcement can only search a student's belongings if they have established probable cause, and either obtained a warrant or have met the legal requirements for an exception to the search warrant requirement
- Teachers, principals or other school personnel may search a student's belongings without a warrant or probable cause, but the reason for the search must be reasonable and the way the search is being conducted must be reasonable

### Searches

A **search** occurs when police intrude on a person's reasonable expectation of privacy for the purpose of obtaining information.

Officers can ask for consent to search. Individuals do not have to consent to searches of themselves or their belongings. However, if legal requirements are met, consent is not required. Peace officers are permitted to conduct a protective sweep to ensure their own safety and the safety of others at the scene if they have reason to believe the individual is armed and poses a danger. Individuals may verbally state their objection to the search but should not physically prevent the search in any way.



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Below are examples of scenarios that may or may not constitute searches:

Not a search	Legal search pursuant to the Fourth Amendment	Not a legal search pursuant to the Fourth Amendment
An officer observes the handle of a pistol protruding from the jacket of a suspect in a public place.	During a traffic stop, an officer obtains uncoerced consent to search a vehicle and searches.	During a traffic stop, an officer looks through the trunk of the driver's vehicle without consent or probable cause.
An officer slowly drives past a suspect's house and observes a car with stolen tags parked in an open garage.	After confirming that an outstanding felony warrant is valid and arresting the suspect, an officer searches the arrestee.	Without a warrant, an officer places a recording device inside a suspect's car for the purpose of capturing incriminating phone and personal conversations that take place inside the vehicle.

### Seizure

**Seizure** includes peace officers taking contraband or evidence of a crime or a person into custody. Investigatory stops or detention represent a limited seizure, and an arrest represents a full seizure.

### Fifth Amendment Rights

The [Fifth Amendment to the United States Constitution](#) protects the rights of individuals in several ways during interactions with peace officers, including protection against **self-incrimination**.

When an individual is arrested or taken into custody, the individual retains the following rights:

- To remain silent
- To know that if an individual waives or gives up the right to remain silent and answer questions, the police can use these answers against the individual in court
- To stop answering questions at any time and talk with an attorney, even if an individual has begun answering questions
- To speak privately with an attorney before answering any questions or signing anything
- If the individual cannot afford an attorney and if the crime that prompted the arrest has jail time as a possible penalty, the individual has a right to an attorney appointed to represent the individual at no cost before being questioned



## SECTION 3

### “Miranda rights”

Peace officers are required to inform individuals of the following rights and information upon arrest AND before conducting any **custodial interrogations**:

- Right to remain silent
- If the person gives up this right, anything they say can be used against the individual in court
- Right to an attorney
- If the person cannot afford an attorney, one will be provided at no cost

The above rights are commonly referred to as “**Miranda rights**.” They come from the 1966 United States Supreme Court case *Miranda v. Arizona*.

Failure to administer “**Miranda rights**” when required may result in the exclusion of statements given during a custodial interrogation. A juvenile’s age (under 18) is a factor for determining if an individual is in custody [for the purposes of Miranda](#).

If an individual is trying to determine if they are in custody, they can ask if they are free to leave.

Individuals cannot be penalized for refusing to answer a peace officer's questions, with [two important exceptions](#):

1) An individual detained in a public place must provide their name, address and date of birth when requested by a peace officer who reasonably suspects they are:

- Committing, has committed or is about to commit criminal offenses
- Witnessed a violent felony offense or felony offense that causes, results in or may cause risk of serious physical harm to another person or property
- Conspiring to commit or to be complicit in committing criminal or felony offenses as described above

Failure to comply with this law is a fourth-degree misdemeanor. A person can refuse to reveal their age or date of birth if that is an element of the suspected crime.

2) Additionally, an individual stopped while operating a vehicle [must display their driver’s license](#) or provide satisfactory proof of license when asked by a peace officer. Communicating false information to a peace officer who is in the process of issuing the individual a traffic ticket or complaint is a first-degree misdemeanor.

These exceptions are covered in more detail in Section 2.



## SECTION 3

### Expectations for Learning

- Describe the constitutional rights individuals have during interactions with peace officers, including:
  - Fourth Amendment rights (protection from unreasonable search and seizure)
  - Fifth Amendment Rights (protection from self-incrimination)
  - **“Miranda rights”**
- Identify the rights of individuals during the following interactions with peace officers:
  - Consensual encounters
  - Investigative stops
  - Arrests
- Describe the legal criteria of probable cause that peace officers must meet to obtain a search or arrest warrant.

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## SECTION 4: Proper actions for interacting with a peace officer

### SECTION 4

#### Content Elaboration

This section covers how communication can impact the interactions between peace officers and individuals and focuses on behaviors that can help minimize conflict. It also identifies and describes typical steps during interactions with peace officers, including traffic stops.

The three main interactions with peace officers and individuals are consensual encounters, investigative stops or detentions and arrests. During these interactions, individuals maintain specific rights based on the United States Constitution and federal and state laws. The role of peace officers in Ohio is to balance individual rights and public safety and order. In preserving peace and order through their role and responsibilities, personal safety is a primary concern of the peace officer. These interactions have the potential to be emotional or stressful. Individuals can use several strategies to help promote safety and minimize conflict during these interactions.

Officers are trained to assess threats when engaging with individuals. These “pre-attack” behaviors officers are trained to look for may include:

- Non-compliance with police orders
- Presence of a weapon
- Trying to hide hands
- Clenching hands on body
- Eye contact
- Bladed/fighting stance
- Flanking
- Abnormal breathing
- Posturing
- Nervous or sudden movements

#### Communication and Behaviors

To promote positive interactions and communications, students can:

- Remember their legal rights and protections
- Avoid behaviors that might cause the officer to believe there is a threat
- Stay calm, even if you feel that you have done nothing wrong
- Avoid hostility, profanity or aggressive movements
- Avoid running, resisting or obstructing the officer
- Keep hands readily visible to the peace officer



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- Be courteous and cooperative
- Avoid lying, giving false information or failing to disclose required information (see Section 2 for more details)
- Comply with orders and directions from the officer and do not argue with the officer
- **Ask the officer if you can call your parent or guardian. If the officer says yes, ask the officer if you can take out your cell phone. Do not reach for it until the officer says yes.**
- **Ask the peace officer if they are free to leave, if the student is unsure**

Whether the First Amendment protects video recording of peace officers remains unsettled case law in the Sixth Circuit Court at the time this curriculum was created. The Sixth Circuit Court is the Federal court that covers the State of Ohio and other nearby states (Michigan, Tennessee and Kentucky) and peace officers are bound by their decisions. Where this matter has been heard in other circuit courts, these courts have ruled that the recording of peace officers is protected by the First Amendment, subject to reasonable time, place and manner restrictions.

If individuals believe the officer violated their rights, they have options to address these issues later through legal and administrative processes. (See the section on **Individual Rights and Violation of Rights** below).

### Traffic Stops

The goal at a traffic stop should be for everyone, both the individual who is stopped and the peace officer who stopped them, to have a safe encounter. Below are recommendations from the [American Association of Motor Vehicle Administrators](#) (AAMVA)\* that individuals might follow to promote a safe encounter:

When pulled over by a peace officer, the AAMVA advises individuals to:

- Activate turn signal and pull off to the side of the road as soon as it is safe to do so
- Put the vehicle into park and turn off the engine
- Turn off any audio devices
- Stay in the vehicle unless directed by the officer to exit
- Turn on interior lights if pulled over at night to improve visibility. Officers may use a spotlight for additional visibility
- Keep hands on the steering wheel or in a visible location so they are easily observable
- Follow all instructions the officer gives the driver or passengers

*\*AAMVA is a tax-exempt, nonprofit organization that develops model programs in motor vehicle administration, law enforcement and highway safety.*



## SECTION 4

The officer may approach either side of the vehicle. When the officer approaches the vehicle, remember to:

- Slowly move to lower the corresponding window for better communication with the officer
- Let the officer know if there is a weapon in the vehicle upon first contact
- Wait for the officer's instructions before reaching for a driver's license or vehicle documents

When conducting the stop, the peace officer typically will:

- Show their law enforcement identification if not in uniform. If the officer does not show their identification, individuals may ask to see it
- Explain why they stopped the vehicle and may ask the driver or passenger(s) questions
- Ask for a driver's license, proof of insurance and vehicle registration. If the documents are out of reach, individuals should tell the officer where they are and ask for the officer's permission before reaching to retrieve the documents.

Beyond providing a correct name, address, date of birth and driver's license (or learner's permit), individuals are not required to answer any additional questions from an officer during a traffic stop. Peace officers are legally permitted to require drivers and passengers to exit the vehicle. In this case, drivers and passengers must exit the vehicle, keep their hands visible and remain in a location as directed by the officer. Officers may issue a warning, traffic ticket or citation or place an individual under arrest if they have probable cause. Individuals are required to sign the traffic ticket or citation. Acceptance and signature of a ticket or citation is not an admission of guilt. However, refusal to sign the ticket or citation may result in an arrest. If an individual disagrees with the ticket or citation, they may contest it in court.

### **Communication Considerations**

In Ohio, any individual with a medically diagnosed communication disability, who drives or regularly has someone with a communication disability in their vehicle, [can voluntarily enroll in a database that connects to the Law Enforcement Agencies Data System \(LEADS\)](#). The peace officer can then be made aware that the driver or a person in the vehicle may have difficulty communicating and can approach the vehicle with awareness to reduce any potential misunderstandings or problems.

If there is a communication barrier, for example, based on disability or language, an individual may request an interpreter or appropriate accommodation. This process will vary from law enforcement agency to agency.

### **What to do if you believe your rights were violated**

During all interactions with peace officers, individuals retain specific rights. For example, during a consensual encounter, individuals have the right to leave the area or walk away, decline to identify themselves or decline to communicate with the peace officer. With reasonable suspicion, peace officers may detain an individual for questioning. During these investigative detentions, individuals have a right to remain silent with specific exceptions and protections against illegal search or seizure.



## SECTION 4

Peace officers must establish probable cause to obtain an arrest or search warrant. Upon arrest, individuals have Miranda rights, and peace officers must inform the suspect of all Miranda rights before custodial interrogation.

If an individual believes a peace officer has violated their rights, they should not try to deal with the situation at the scene. Individuals can pursue legal processes to file complaints against officers or seek remediation for potential rights violations. An individual may file a written complaint with the officer's law enforcement agency's internal affairs division or civilian complaint board. Individuals may want to write down as much information about the incident as possible when it is safe to do so, including the officer's name, badge number and patrol car number. If injured, individuals should seek medical attention immediately and document injuries. Individuals also may consult with a lawyer to discuss their options. Below are examples of links to some citizen complaint processes across Ohio:

- [City of Cincinnati](#)
- [Franklin County Sheriff's Office](#)
- [City of Marion](#)
- [City of Newark](#)
- [The Ohio State University Police Department](#)

### Expectations for Learning

- Describe how communication can impact the interactions between peace officers and individuals
- Describe behaviors that can help minimize conflict when interacting with peace officers
- Identify and describe the typical steps to expect during an interaction with a peace officer
- Describe the process of reporting perceived violations of individual rights by a peace officer



## Guidance on Demonstrations and Role-Playing Activities

As a reminder, school districts and other public schools are permitted and encouraged to modify or expand upon the instruction in this model curriculum to appropriately serve the needs of the community after soliciting input from local law enforcement agencies, [driver training schools](#) and local community, which may include parents and students. Districts, schools and teachers may design local curriculum that organizes and frames the concepts of the model curriculum to best fit local needs – this applies to demonstration or role-playing activities as well. Districts, schools, and teachers decide locally what instructional strategies meet the requirement for role-playing or demonstrations. For example, a district may use case-studies as a demonstration strategy to support this instruction. In this example, the district may decide that this strategy meets the role-playing and demonstrations requirement under Ohio law.

Ohio law requires demonstrations and role-playing activities in classroom settings to better understand how interactions between officers and individuals should occur. In John Hattie’s research on influences on student achievement, he found that simulations can positively impact student achievement.<sup>1</sup>

**This particular content can be sensitive and sometimes emotional for students.** When using role-playing scenarios and demonstrations, districts and schools **should carefully plan strategies** and simulations that are **developmentally appropriate** and **designed to protect all students involved**. For example, schools may consider making the appropriate student support staff are aware of when any instruction is occurring and letting students know they are available if needed. Teachers should consider and prepare for varying student responses.

Districts and schools should consider strategies for communicating to their communities ahead of any planned instruction on student interactions with peace officers, including information about any role-playing or demonstrations the district or school is planning.

Parents/guardians concerned about their student’s mental health status in relation to any role-playing or demonstrations may obtain an excused absence from that portion of the instruction.

Dr. Judith Pace, Professor of Education at the University of San Francisco, offers a [framework for teaching about potentially sensitive issues](#) that includes eight reflective practices that might be considered in supporting this instruction:

- **Cultivate a supportive environment** through community-building norms, openness to dissent and individual affirmation
- **Prepare thoroughly** with attention to student identity and development, teaching contexts, subject matter, purposes and methods
- **Think through teacher stance**, including pedagogical roles, positions on issues, and pros and cons of disclosing teacher views

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<sup>1</sup> Simulations were found to have a 0.33 effect size, considered a medium effect size, on student achievement. Hattie, J. (2017). Visible learning for teachers: Maximizing Impact on learning. Routledge.



- **Communicate proactively** with students, parents/guardians and administrators about the issues that will be studied
- **Select authentic issues** to frame questions to promote student engagement and inquiry, progressing from cooler to hotter issues
- **Choose resources and pedagogies** that challenge assumptions, include diverse voices and perspectives, and foster participation
- **Guide discussion** with tools for analyzing sources, exchanging ideas, moving from small groups to whole group, and attending to individual student needs
- **Address emotions** by creating space for processing them, using de-escalation techniques as needed, and developing self-awareness

[Harvard University's Derek Bok Center for Teaching and Learning](#) offers the following guidance on facilitating role-playing scenarios in the classroom:

### Role-Playing At-A-Glance

- **Prep**
  - Ensure students have the required background information to complete the task
  - Establish classroom norms that promote community and inclusivity
  - If needed, distribute prompts and determine student groups
- **During**
  - Clearly define each student's role
  - Ensure students have the required information
  - Keep track of time
- **After**
  - Reflect and discuss

Districts, schools and teachers should consider possible partnerships with local law enforcement agencies and school resource officers to plan, create and implement classroom demonstrations that provide students with exposure to the content of this model curriculum. These partnerships may inform and support potential role-playing scenarios. **Pre-recorded demonstrations and videos may help illustrate the concepts described in the Content Elaborations with accuracy and clarity.**

It is recommended that teachers preview all videos to familiarize themselves with the content as well as to assess for appropriateness of the content. If using pre-recorded videos for discussion, consider strategies to maximize their effectiveness. For example, pause the video at points and present students with discussion questions, or have students write down their questions as the video plays and discuss afterward.

**Case studies** also may serve as practical approaches to demonstrating key concepts and information. The [Vanderbilt University Center for Teaching](#) describes case studies as "stories used as a teaching tool to show the application of a concept to real situations." The Eberly Center for Teaching Excellence & Educational Innovation at [Carnegie Mellon University](#) adds that case



studies can "present realistic, complex, and contextually rich situations and often involve a dilemma, conflict, or problem that one or more characters in the case must negotiate." The Vanderbilt University Center for Teaching also provides the following guiding questions for educators to consider when creating or finding existing case studies to use:

- What do they already know that applies to the case?
- What do you want students to learn from the discussion of the case?
- What are the issues that students may raise in the discussion?
- How will the case and discussion be introduced?
- What preparation do students need to be successful in using the case? (Do they need to read the case ahead of time? Do research? Write anything?)
- What directions do you need to provide students regarding what they are supposed to do and accomplish?
- Do you need to divide students into groups, or will they discuss with the whole class?
- Are you going to use role-play or facilitators or record keepers? If so, how?
- What are the opening questions?
- How much time is needed for students to discuss the case?
- What concepts are to be applied and extracted during the discussion?
- How will you evaluate students?

#### **Additional Resources for Role-Playing, Scenarios and Demonstrations**

- [Ohio Department of Public Safety Ohio Driver Training Program](#)—hosts a video demonstrating a driver's steps when being pulled over by an officer
  - Scroll to the "School Resources" section on the webpage and select "Video: What to do if you are pulled over"
- **American Association of Motor Vehicle Administrators**—[video demonstrating what to do and expect when pulled over by a peace officer](#)
- **Ohio State Bar Association**—[MyOhioRights website](#), provides videos and resources demonstrating individual rights during traffic stops and interactions with peace officers
- [National Constitution Center lesson plan](#)—uses scenarios to instruct students on searches and seizures
- [Constitutional Rights Foundation lesson plan](#)—provides an example where students draft scenarios as a form of assessment
- [American Civil Liberties Union](#)—provides examples of various scenarios to guide interactions when stopped by the police
- [American Bar Association lesson plan](#)—provides examples of how case studies might support instruction on this content



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