Police Criminal Procedure

Professor
Steve
Dunker
When Can the Police Make a Stop?

An Officer MUST have either:

Reasonable Suspicion

OR

Probable Cause
Reasonable Suspicion

- “Quantum of knowledge sufficient to induce an ordinarily prudent and cautious man under similar circumstances to believe criminal activity is at hand” (Black’s)

- 25%+ sure
Probable Cause

“The facts and circumstances within the officers’ knowledge and of which they had reasonably trustworthy information are sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed.”

More than 50% sure
The Totality of the Circumstances

- Look at All the information available
- Such as:
  - Conduct of suspect
  - Incriminating evidence
  - Confessions or admissions
  - Unusual hour
  - Witnesses
  - Answers to questions
When can an officer “Frisk”

- Reasonably believe criminal activity is afoot. And

- The suspect may be armed and dangerous
What is a “Frisk”

- Pat-Down for weapons
- Looking ONLY for weapons
- “Plain touch” contraband may be seized.
When Must the Police Inform you of Your Rights?

- In Custody
- Under Interrogation
- Traffic stops do not require Miranda
What are your Rights?

- Remain Silent
- Any you say will be used against you
- You have a right to an attorney
- If you cannot afford an attorney one will be appointed
Searches

- What is a search?
- Govt. Agent – Invasion of your privacy
- Reasonable Expectation of Privacy
A valid arrest allows for the search of the person and of the area surrounding the suspect.
Motor Vehicle Searches

- Search of Automobile does not require a warrant.
- Probable cause is required
- May examine all containers that could contain evidence.
When can the police “Kick” your door in without Knocking First?

- Knock and Announce Required

- Exceptions: Safety or Destruction of evidence
The Exclusionary Rule

- Court Rule Barring Use of Illegally Obtained Evidence

- Illegal search = No use of evidence in Court.
Questions for the Criminal Justice Professor......

- Must be hypothetical

- Hypothetical = Made-up, Make believe