

# Police Criminal Procedure

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Professor

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# *When Can the Police Make a Stop?*

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**An Officer MUST have either:**

**Reasonable Suspicion**

**OR**

**Probable Cause**

# Reasonable Suspicion

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- “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

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- “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

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- 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”

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- Reasonably believe criminal activity is afoot. And
- The suspect may be armed and dangerous

# What is a “Frisk”

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- Pat-Down for weapons
- Looking ONLY for weapons
- “Plain touch” contraband may be seized.

# *When Must the Police Inform you of Your Rights?*

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- In Custody
- Under Interrogation
- Traffic stops do not require Miranda



# What are your Rights?

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- 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*

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- **What is a search?**
- **Govt. Agent – Invasion of your privacy**
- **Reasonable Expectation of Privacy**

# Search incident to an Arrest

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- A valid arrest allows for the search of the person and of the area surrounding the suspect.

# Motor Vehicle Searches

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- 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?

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- Knock and Announce Required
- Exceptions: Safety or Destruction of evidence

# *The Exclusionary Rule*

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- ***Court Rule Barring Use of Illegally Obtained Evidence***
- **Illegal search = No use of evidence in Court.**

# Questions for the Criminal Justice Professor.....

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- Must be hypothetical
- Hypothetical = Made-up, Make believe