

# Loitering and Prowling

## Vampire Squad Training Bulletin

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# Loitering and Prowling

- Florida Statute
- 856.021
- Loitering and Prowling

# Loitering and Prowling Definition

- It is unlawful
- For any person
- To loiter or prowl
- In a place
- At a time or in a manner
- Not usual for law-abiding individuals
- Under circumstances that warrant a justifiable and reasonable alarm
- Or an immediate concern for the safety of people or property in the vicinity.

# Circumstances that may be considered in determining alarm

- The person takes flight upon sight of a LEO.
- Refusal to identify himself.
- Tries to conceal himself or any object.

# Law Enforcement Actions:

- If the person is present and does not take flight
- The LEO must read the person Miranda Warnings
- Then ask the person to identify themselves and explain their presence and actions.

# Case Law and Facts Regarding L&P

- An officer must be able to articulate specific facts showing an imminent breach of the peace or threat to public safety. *Williams v. State*
- All elements of the offense of loitering and prowling have to occur in the presence of the arresting officer for the arrest to constitute a legal arrest. *G.E.C. v. State*

# Case Law and Facts Regarding L&P

- Where the defendant was standing, smoking and talking to another man in the rear corner of a bar parking lot at 11:30 P.M., it was held that there was insufficient reasonable cause for the stop, and evidence of the cocaine and marijuana found in the defendant's possession was suppressed. *Barna v. State*

# Case Law and Facts Regarding L&P

- When an officer saw the defendant standing in the hedges between two rooming houses, in the dark around 2:30 A.M., and knew from prior contact with the defendant he did not live in the rooming houses, the officer had reasonable suspicion to believe the defendant was loitering and prowling. "Lurking in the dark by residences in the wee hours of the morning is unusual for law abiding citizens." *Battle v. State*

# Case Law and Facts Regarding L&P

- The U.S. Supreme Court upheld Nevada law, which the court compared to F.S. 856.021, making it unlawful for a suspect to refuse to disclose his identity in the course of a valid Terry Stop.

**Questions??**