

Plain Feel Doctrine

Vampire Squad Training Bulletin

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Landmark Case

- Minnesota v. Dickerson, 113 S.Ct. 2130 (1993)

The Case

- Dickerson involved officers in a marked squad car approaching a subject at night. The subject had just left a building known to contain a "crack house."
- The subject at first began walking toward the squad car, but upon spotting it, turned and walked away, entering an alley next to the building.
- The officers, being suspicious of criminal activity, drove their squad car into the alley and ordered the subject to stop and submit to a pat down search.

The Case

- No weapons were found but the searching officer felt (with his open hand) a small lump in the pocket of the subject's nylon jacket.
- He then examined the object with his fingers and confirmed that it felt like a lump of crack cocaine.
- The officer reached into the pocket and retrieved a small plastic bag with 1/5 of a gram of crack cocaine.
- The suspect was then arrested.

The Ruling

- The U.S. Supreme Court held that if the officers had a reasonable suspicion to detain a person (Terry stop)
- And to make a protective pat down search (exterior frisk) for weapons, they may seize any object whose mass or contour makes it “immediately apparent” as contraband or evidence.

The Ruling

- Here, the frisk did not make the cocaine “immediately apparent” so the officer had to examine it with his fingers to determine it was evidence.
- This further act made the officer's seizure illegal.
- **Note:**
- You cannot manipulate an object to verify what it is.

Other Case Law

- The key here seems to be having an immediate reasonable belief (probable cause) that the item is contraband based upon a lawful pat down *State v. Burton*

Concerns dealing with “Plain Feel”

- Officers must have an understanding of law regarding Terry stops and consent to searches.
- Officer’s with greater experience and better training will give them a distinct advantage of less experienced or less trained officers.
- Testimony will be stronger if officers training and experience verify his/her observations.

Scenarios

Questions??