

Reasonable Suspicion

Vampire Squad Training Bulletin

Written by Officer C. Mason



General Information

▶ **What is Reasonable Suspicion?**

- ▶ A legal standard in law
- ▶ That a person will be, is, or has committed a criminal act.
- ▶ Based on specific and articulable facts and inferences
- ▶ A reasonable person could reasonably believe a crime is, was, or is about to be committed.

General Information

- ▶ **How is Reasonable Suspicion Evaluated?**
- ▶ It is based on the reasonable person standard.
- ▶ Or the reasonable officer standard.

General Information

▶ **What is a Reasonable Person?**

- ▶ The "reasonable person" is a hypothetical individual
- ▶ Who is intended to represent a sort of "average" citizen
- ▶ The ability of this hypothetical individual to understand matters
- ▶ Is consulted in the process of making decisions of law
- ▶ Basically what would an average person think about the circumstances.
- ▶ This also applies to instances with reasonable officer standards.

Totally of Circumstances

- ▶ **Totally of Circumstances Standard:**
- ▶ There is no single deciding factor
- ▶ One must consider all the facts
- ▶ The context
- ▶ And conclude from the whole picture
- ▶ Whether there is reasonable suspicion or probable cause

Totality of Circumstances

- ▶ **Example of Totality of Circumstances:**
- ▶ Imagine you have a basket
- ▶ Each "clue", action, or fact is an egg
- ▶ As you receive these "eggs" you put them in your basket
- ▶ The more eggs in your basket the more specific and articulable facts you have.
- ▶ These eggs will help you decide whether you have reasonable suspicion or probable cause

Totality of Circumstances

▶ **Note:**

- ▶ Considering Totality of Circumstances will give you the confidence to make an informed and articulable decision when conducting investigations and making arrests.

Case Law

- ▶ **Cases Where the Officer had Reasonable Suspicion:**
- ▶ Officers asked a crowd to disperse.
- ▶ They observed a suspect place something in his pants.
- ▶ The officers asked the person what he put in his pants.
- ▶ The suspect answered "cocaine."
- ▶ The Court held this to be a consensual Encounter.
- ▶ State v. Crumpton

Case Law

- ▶ Why is this deemed reasonable suspicion?



Case Law

- ▶ **Cases Where the Officer had Reasonable Suspicion:**
- ▶ An officer responded to a 3:00 a.m. report of suspicious activity.
- ▶ It was in the parking lot of an apartment complex.
- ▶ He saw a van in a parking space with another van backed up to it.
- ▶ The rear doors of both vans were open.
- ▶ The officer was justified in conducting an investigatory stop.
- ▶ Hernandez v. State

Case Law

- ▶ Why is this deemed reasonable suspicion?



Case Law

- ▶ **Cases Where the Officer had Reasonable Suspicion:**
- ▶ 6:50 a.m.
- ▶ Person pushing a shopping cart.
- ▶ Shopping cart contains 6 new rolls of roofing paper
- ▶ Down the street.
- ▶ The officer had reasonable suspicion to stop the person.
- ▶ State v. Black

Case Law

- ▶ Why is this deemed reasonable suspicion?
- ▶ What Crime do you have?

Case Law

- ▶ **Cases Where the Officer had Reasonable Suspicion:**
- ▶ The officer following a tip from a security guard at an apartment complex security station.
- ▶ She smelled marijuana coming from the suspect's car.
- ▶ The officer had reasonable suspicion to stop the vehicle.
- ▶ State v. K.V.

Case Law

- ▶ Why is this deemed reasonable suspicion?



Case Law

- ▶ **Recent Cases Where the Officer DID NOT have Reasonable Suspicion:**
- ▶ An officer saw two Caucasians driving and open-air jeep at 2:00 a.m.
- ▶ They were driving in a high crime/drug area.
- ▶ The area is predominantly African-American.
- ▶ The pair circled the block twice before stopping.
- ▶ Once stopped, at least three males ran to the jeep.

Case Law

- ▶ **Recent Cases Where the Officer DID NOT have Reasonable Suspicion: Cont'd**
- ▶ The officer's view was blocked.
- ▶ About ten or fifteen seconds later, the males walked away.
- ▶ The officers did not see any exchange of drugs or money.
- ▶ The stop was unconstitutional.
- ▶ *Stiffler v. State*

Case Law

- ▶ Why?
- ▶ How do you get around this?



Case Law

- ▶ **Recent Cases Where the Officer DID NOT have Reasonable Suspicion:**
- ▶ Officers received a call several people were selling drugs in an apartment complex.
- ▶ The officers saw the defendant and asked him to talk.
- ▶ The defendant walked away from the officers.

Case Law

- ▶ **Recent Cases Where the Officer DID NOT have Reasonable Suspicion: Cont'd**
- ▶ The defendant placed money in his jacket pocket.
- ▶ Seeing this, one of the officers ordered the defendant to stop.
- ▶ The court ruled that there was insufficient evidence to make the stop.
- ▶ Prichett v. State

Case Law

► Why?



Citizen Informants

- ▶ **Citizen Informants:**
- ▶ "A tip by a citizen informant
- ▶ As opposed to an anonymous tipster
- ▶ Is entitled to a presumption of reliability
- ▶ And does not require further corroboration."
- ▶ State v. Manuel

Citizen Informant Case Law

- ▶ An individual identified himself as “Frank” approached an officer.
- ▶ He said that a black male named “Cedric”,
- ▶ Dressed in a white tank top, brown boots,
- ▶ And a black hat over braided hair, was carrying a gun.
- ▶ Shortly afterward, the officer observed the suspect.
- ▶ The officer did not see the suspect engage in any suspicious activity
- ▶ And confirmed only innocent details of the tip,
- ▶ He did not have reasonable suspicion justifying a stop.
- ▶ *Woodsen v. State*

Citizen Informant Case Law

- ▶ An Informant whose identity is readily ascertainable
- ▶ Is not an anonymous tipster.
- ▶ An informant's actual name need not be known
- ▶ So as long as his identity is readily discoverable.
- ▶ State v. Maynard

Anonymous Tips

- ▶ The Court held that an anonymous tip
- ▶ May permit reasonable suspicion stop
- ▶ But only after the tip has been independently corroborated.
- ▶ Williams v. State

Cautions to Observe

- ▶ **Timing of Arrest**
- ▶ In his or her zeal
- ▶ An officer will act prematurely
- ▶ And sometimes nullifies a valid arrest.

Cautions to Observe

- ▶ Certain officers based on a hunch or gut feeling
- ▶ That the individual is dirty
- ▶ Will search or arrest the individual
- ▶ Before they have legal grounds to do so
- ▶ Many officers believe the results of the search
- ▶ Will justify the police activity
- ▶ The courts have made it clear that a bad arrest or search
- ▶ Cannot be salvaged or corrected by what the officer recovers from the suspect

Cautions to Observe

▶ De Facto Arrest

- ▶ is a Latin expression that means "in fact" or "in practice" but not spelled out by law.
- ▶ An investigatory stop can turn into a de facto arrest.

Cautions to Observe

- ▶ **Example of De Facto Arrest:**
- ▶ Officer handcuffed suspect
- ▶ Patted him down for weapons
- ▶ Then placed him (still in handcuffs)
- ▶ In the back of a patrol car for 30 mins.
- ▶ The defendant was effectively arrested.

- ▶ Why is this an arrest?

Cautions to Observe

- ▶ **Handcuffing:**
- ▶ Handcuffing alone will not necessarily change an investigative stop
- ▶ Into an arrest
- ▶ A suspect can be handcuffed when reasonably necessary
- ▶ To protect the officer's safety.
- ▶ The handcuffing must be temporary

Cautions to Observe

- ▶ **Handcuffing Cont'd:**
- ▶ And last no longer to effectuate the purpose of the stop.
- ▶ The handcuffs must be removed once a patdown
- ▶ Reveals the absence of a weapon.