

Each level is a legal standards. An officer must have the level of knowledge equivalent to the standard to act in certain ways.

R/S = *Terry* detention & frisk for weapons

P/C = Arrest and Search

BRD = Conviction in Court of Law

HYPOTHESIS: You're a cop on patrol, its 11pm warm summer night. You see a man walking wearing a jacket and hat, which is odd for weather outside.

HYPOTHESIS: It's a warm summer night and you are cop on patrol. At 11pm, in a residential neighborhood, you see a man wearing a jacket and hat carrying a 32" flat screen TV. When he sees you, his eyes get really big and he immediately turns around and starts walking the opposite direction.

Terry v. Ohio – Det. McFadden saw two men, Terry and Chilton, standing on a street corner and acting in a way the officer thought suspicious. He observed the two proceed alternately back and forth along an identical route, pausing to stare in the same store window. Each completion of the route was followed by a conference between the two on a corner. The two men repeated this ritual alternately between five and six times apiece—in all, roughly a dozen trips. After one of these trips, they were joined by a third man (Katz) who left swiftly after a brief conversation. Suspecting the two men of "casing a job, a stick-up", detective McFadden followed them and saw them rejoin the third man a couple of blocks away in front of a store. The officer approached the three, identified himself as a policeman, and asked their names. The men "mumbled something", whereupon McFadden spun Terry around, patted down his outside clothing, and felt a pistol in his overcoat pocket. The officer ordered the three into the store. He removed Terry's overcoat, took out a revolver, and ordered the three to face the wall with their hands raised. He patted down the outer clothing of Chilton and Katz and seized a revolver from Chilton's outside overcoat pocket.

The Supreme Court held: A reasonable person in the detective's position would have thought that Terry was armed and thus presented a threat to his safety while he was investigating the suspicious behavior he was observing. The events he had witnessed made it reasonable for him to believe that either Terry or his cohorts were armed. "The record evidences the tempered act of a policeman who in the course of an investigation had to make a quick decision as to how to protect himself and others from possible danger, and took limited steps to do so."

Miranda case: Ernesto Miranda was arrested for robbery, confessed to rape while under interrogation by police. Supreme Court held police interrogation is inherently coercive, therefore, no confessions will be admitted (used in court) unless the person had been advised of their Constitutional Rights (5th Amendment right against self incrimination and 6th Amendment right to counsel)

Quarles – Officers observed Qualres, a suspected rapist, in a store and attempted to apprehend him. He ran to the back of store where officers caught him and handcuffed him. When they did, they found an empty shoulder holster. They immediately asked him “Where’s the gun?” He replied, “over there” and motioned (with his chin) towards some cartons. The gun was found in the stack of cartons.

Kuhlman v. Wilson – three men robbed a taxi cab station and killed the dispatcher. Wilson turned himself in after three days claiming he was just in the wrong place at wrong time. His cellmate had been instructed by police not to ask questions but just to “listen” to Wilson. Wilson made incriminating statements that he had conspired with two others to rob the place and kill the dispatcher. Court held b/c informant did not ASK, but only listened, Wilson’s right to Counsel was not violated.

Miranda is not violated by admissions made voluntarily and NOT in response to police questioning.