

Search and Seizure



Sgt. Steven Bantle
Minneapolis Police Academy

- The Minneapolis Police Department does not have a “Stop and Frisk” policy per se. We train Officers to follow the guidelines set in Terry V. Ohio

- Do Officers of the MPD Stop and Frisk People?
 - Yes!

- The MPD refers to these contacts as:
 - Suspicious Person Stops
 - Suspicious Vehicle Stops

(They are also known as “Terry Stops” because of the guidelines set by the Supreme Court in Terry v. Ohio)

Types of Police Contact

- Voluntary (No Legal Basis)
- Citation (Usually Petty Misdemeanor or Misdemeanor)
- Custodial Arrest
- Detention (Terry Stop)
- Detention with Pat Down (Terry Stop/Frisk)

Detention Defined:

- Temporary interference of a person's liberty.
- If further evidence is found it could lead to an arrest. If not, the person is released.
-

What is needed for a Detention?

- A **Reasonable Suspicion** that a crime is being committed, about to be committed or that the subject is armed.
- These reasons must be articulable.
(Terry v. Ohio)

Reasonable Suspicion Defined:

- A reasonable suspicion is based on:
 - Objective facts which an Officer can articulate
 - That would lead a reasonable Officer to believe
 - That criminal activity is afoot
 - It's more than a mere hunch

A few examples of Reasonable Suspicion:

- Subjects presence in a high crime area
- Nervousness of subject
- Verbal or physical aggression
- Hands moving into pockets
- Loitering
- Out of place for the time of day
- Information from a Witness or 911 caller
- Casing
- Looking into windows (business, residence, vehicle)
- Flagging down cars
- Dressed inappropriately for the weather
- Concealing face
- Officer experience
- Hand to hand transactions

MPD Officers are trained to look at the Totality of the Circumstances

Detention with a Pat Down:

- A pat down may be done as part of a detention if:
 - The detention is lawful (reasonable articulable suspicion)
 - There is a reasonable suspicion that the subject is armed
 - The pat down is of the outer clothing and may not be a full search.

•

Minnesota V. Dickerson

When a Police Officer who is conducting a lawful pat down for weapons feels something that is contraband, the object may be seized even if it is not a weapon.



Suspicious Person/Suspicious Vehicle Stops

Minneapolis Police Recruit and Cadet Academy

Curriculum

- Classroom Instructors:
 - Al Harris: Managing Attorney, Hennepin County Attorney's Office
 - Scott Zierden: Minneapolis Police Lieutenant, JD, Adjunct Professor.

- Suspicious Person/Vehicle Stops are discussed throughout the Academy
 - Traffic Law Enforcement Training
 - Felony Stop Training
 - Narcotics
 - Crowd Control
 - Robbery
 - Weapons
 - Prostitution
 - Gang Enforcement
 - Ethics
 - Field Show-Up's

- Academy Scenario Based Training
- Suspicious Person/Vehicle Stops incorporated into training

- Legal Updates are provided by the Minneapolis City Attorney's Office and the Hennepin County Attorneys Office.

MPD Policy

- Chapter 9-200 of the MPD Policy Manual

Sec 6

- a. Terry Stops (Investigative Detentions), Terry Frisks, and searches must be justified under the law. Officers must be able to provide the justification for any frisks and/or searches conducted.
- b. Documentation should be made via added remarks to the call in CAD (Computer Aided Dispatch) or by another method; unless a CAPRS report or supplement is required.