

COLUMBIA POLICE DEPARTMENT

Standard Operating Guideline

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Part: Administration		Chapter: Role and Authority	
Chief of Police:			

Seizure of Persons

I Policy

Officers of the Department will seize people only within the limits placed on their authority by the Fourth Amendment to the United States Constitution and the Fourth Amendment to the Missouri Constitution, as interpreted by the judiciary.

II Definitions

Reasonable Suspicion - articulable facts and circumstances, and rational inferences from those facts that would lead a reasonable officer to believe that a particular person is engaged in some criminal activity. Reasonable suspicion is more than a mere hunch, but less than probable cause.

Probable Cause - facts and circumstances that would lead a reasonable and prudent person to believe that a crime has been committed, and that a particular person committed the crime. Probable cause is more than reasonable suspicion but less than a preponderance of the evidence and much less than proof beyond a reasonable doubt.

III Procedure

1 Consensual Encounter

1.1 Officers may contact and converse with anyone in a public place without having to demonstrate reasonable suspicion or probable cause.

1.1.1 People are free to refuse to engage in a consensual conversation.

1.1.2 Officers may not detain a person without reasonable suspicion.

1.2 An encounter between a police officer and a citizen becomes a detention when a reasonable person in that situation would not feel free to leave or to refuse to cooperate.

1.3 Some factors that may suggest a detention rather than a consensual encounter include:

1.3.1 The presence of several officers;

1.3.2 The display of a weapon by an officer;

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- 1.3.3 Some physical touching of the person or
 - 1.3.4 Language or tone of voice indicating that compliance with officer's request might be compelled.
- 2 Detention (1.2.4)
- 2.1 Officers may detain any person in a public place that the officer has reasonable suspicion to believe is committing, has committed, or is about to commit some crime.
 - 2.1.1 The detaining officer need not have personally developed reasonable suspicion, so long as another officer has communicated that reasonable suspicion exists.
 - 2.2 Reasonable suspicion can be based on the officer's training, knowledge, and experience combined with one or more observed factors including but not limited to:
 - 2.2.1 Prior criminal history of subject;
 - 2.2.2 Subject's physical characteristics are similar to a known criminal suspect;
 - 2.2.3 Subject's movements are suggestive of criminal activity;
 - 2.2.4 Subject's clothing is similar to that described of a criminal suspect for a known offense;
 - 2.2.5 Subject's behavior is unusual, emotional, angry, frightened, or intoxicated;
 - 2.2.6 Subject is loitering;
 - 2.2.7 Subject appears to be "looking-out" for something;
 - 2.2.8 Subject is present in a geographic location at a time-of-day that is suggestive of criminal activity;
 - 2.2.9 Subject is present in the vicinity at the time of a crime;
 - 2.2.10 Subject flees at the sight of officers;
 - 2.2.11 Subject is present in a high-crime area.
 - 2.3 Officers may compel compliance with a lawful detention. Resisting a lawful detention is a crime.
 - 2.4 A detention must last no longer than necessary to conduct a limited investigation in order to dispel or confirm the officer's reasonable suspicion.
 - 2.4.1 When the basis for the detention no longer exists, the officer must immediately cease the detention.
 - 2.5 Officers may detain the occupants of premises being searched pursuant to a search warrant.
 - 2.6 During a detention, officers may ask questions regarding the identity, address, destination, and purpose of the detainee.
 - 2.6.1 Depending on the nature of the questioning, the officer may be required to read the detainee the *Miranda* rights statement, even when the detainee is not under arrest.
 - 2.7 Some factors that may suggest an arrest rather than a detention:
 - 2.7.1 Transporting the subject from the scene of the detention;
 - 2.7.2 Involuntary fingerprinting of the subject.
 - 2.8 The detention may turn into an arrest if probable cause is developed.

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- 2.9 Traffic Stops
 - 2.9.1 Officers may conduct a traffic stop on a motor vehicle, and detain all of the vehicle's occupants, upon reasonable suspicion or probable cause.
 - 2.9.1.1 Vehicles passing through a sobriety checkpoint may be stopped without reasonable suspicion.
 - 2.9.1.2 Vehicles passing through an informational roadblock, wherein officers are not seeking incriminating information about the drivers stopped may be stopped without reasonable suspicion.
 - 2.9.2 The detention may only last for the time necessary for the officer to conduct a reasonable investigation of the traffic violation unless additional reasonable suspicion is developed during the traffic stop.

- 3 Frisks (1.2.4)
 - 3.1 Frisks of Individuals
 - 3.1.1 Officers may frisk an individual that is lawfully detained if the officer has articulable reasons that the individual is armed or dangerous. The officer may handcuff the individual prior to conducting the frisk.
 - 3.2 Patdown of the Frisk
 - 3.2.1 Officers must generally limit the frisk of an individual to the patdown of the outer layer of clothing for concealed weapons. The officer may further reach directly into an individual's inner clothing when:
 - 3.2.1.1 The officer has specific information that a weapon is hidden there, even if the information comes from an informant's tip lacking the reliability to support a warrant.
 - 3.2.1.2 Based upon the patdown of the outer layer of clothing the officer detects a hard item which the officer has reasonable belief could be used as a weapon (hard object).
 - 3.2.1.3 Based upon the "plain feel" of an item, the presence of a weapon or contraband is immediately apparent to the officer (soft object-probable cause standard).
 - 3.3 "Frisks" of Vehicles
 - 3.3.1 Officer may frisk vehicles of individuals stopped for traffic violations, even if the individual has not been arrested, provided that:
 - 3.3.1.1 The officer possesses a reasonable suspicion that the occupant is dangerous; and the scope of the search is limited to those areas in which a weapon may be placed or hidden, including but not limited to:
 - 3.3.1.1.1 Locked containers in the passenger compartment;
 - 3.3.1.1.2 The vehicle's center console;
 - 3.3.1.1.3 The vehicle's glove compartment; and
 - 3.3.1.1.4 The truck or hatchback compartment if accessible through the passenger compartment.

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- 4 Arrest (1.2.5)
 - 4.1 Officers may arrest any person in a public place pursuant to a valid arrest warrant or upon probable cause that the person has committed or is committing a crime or ordinance violation over which the officer has jurisdiction.
 - 4.1.1 The arresting officer need not have personally developed probable cause, so long as another officer has communicated that probable cause exists.
 - 4.2 Officers may arrest the person named in a valid arrest warrant at the named person's own residence.
 - 4.2.1 Prior to forcing entry at the named person's residence to arrest on a warrant, officers must:
 - 4.2.1.1 Have a reasonable belief that the named person is present;
 - 4.2.1.2 Knock and announce their presence and purpose.
 - 4.3 Officers may not enter the private residence of any third party, or any other private place, to affect a non-emergency arrest without a search warrant or valid consent.

IV Attachments

None