

LEGAL REFERENCE GUIDE FOR PATROL OFFICERS

Mid-Watch Platoon - Kentucky Police Department

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INTRODUCTION

This quick reference guide provides essential legal standards for patrol officers regarding search and seizure, use of force, and related concepts. Understanding these principles is critical for lawful operations and officer safety.

FOURTH AMENDMENT OF THE U.S. CONSTITUTION

The Fourth Amendment protects citizens against unreasonable searches and seizures. It requires that searches and seizures be reasonable under the circumstances. Warrants must be supported by probable cause and particularly describe the place to be searched and persons or things to be seized.

REASONABLE SUSPICION

Reasonable suspicion is a standard lower than probable cause but more than a mere hunch. It requires specific, articulable facts that would lead a reasonable officer to believe that criminal activity is afoot. This standard justifies brief investigatory stops (Terry stops).

PROBABLE CAUSE

Probable cause exists when there is a fair probability that contraband or evidence of a crime will be found in a particular place, or that a person has committed a crime. It requires more than reasonable suspicion and is necessary for arrests, search warrants, and certain warrantless searches.

EXIGENT CIRCUMSTANCES

Exigent circumstances allow warrantless searches when there is an immediate need to act and no time to obtain a warrant. Examples include: (1) imminent danger to life, (2) imminent destruction of evidence, (3) hot pursuit of a fleeing felon, and (4) risk of suspect escape. The circumstances must be objectively reasonable.

TERRY STOPS

A Terry stop (from *Terry v. Ohio*) is a brief detention based on reasonable suspicion that criminal activity is occurring. The stop must be temporary and last no longer than necessary to confirm or dispel suspicions. Officers must be able to articulate specific facts justifying the stop.

PAT DOWNS (FRISKS)

A pat down (or frisk) is a limited search of a person's outer clothing for weapons, conducted during a lawful Terry stop. Officers must have reasonable suspicion that the person is armed and dangerous. The search must be confined to what is necessary to discover weapons.

PROTECTIVE SWEEPS

A protective sweep is a quick and limited search of premises incident to an arrest, conducted to protect officer safety. Officers may sweep areas immediately adjoining the arrest location if they have reasonable suspicion that the area harbors individuals posing a danger. The sweep must be cursory and limited in scope.

KRS 503.090: USE OF PHYSICAL FORCE IN LAW ENFORCEMENT

Kentucky Revised Statute 503.090 authorizes law enforcement officers to use physical force, including deadly force, under specific circumstances: • To effect an arrest or prevent escape when the officer believes the suspect poses a threat of death or serious physical injury • Deadly force is justified when: (1) the arrest is for a felony involving threatened use of physical force likely to cause death or serious injury, and (2) the suspect's escape would pose imminent danger of death or serious physical injury to others • Force must be reasonable under the circumstances known to the officer at the time

PRACTICAL REMINDERS FOR FIELD OPERATIONS

- Always document the specific facts that led to reasonable suspicion or probable cause
- Terry stops should be brief and focused on the suspected criminal activity
- Pat downs are ONLY for weapons, not general evidence collection
- Protective sweeps must be limited to areas where threats could be present
- When in doubt about exigent circumstances, consult a supervisor if time permits
- Use of force decisions must be based on the totality of circumstances known at the time