

POLICE PROSECUTOR UPDATE

INDEX OF SUBJECTS

(References are to Issue Numbers)

(Through Issue No. 203)

Arrest

Force, use of	21, 60
In private places	66, 118
OWI	
Investigatory Stop	
Citizen complaints	36
Particularized probable cause	147
Pretext	56
Resisting unlawful arrest or entry	108, 118
Search of the person incident to	21, 132
Search of vehicle incident to	21, 39, 112
Stop and frisk-see Stop and Frisk	
Threshold arrests	80
Unchargeable offense, effect	63
Uniform or Marked Vehicle requirement	25, 49, 106

Alcohol

Blood test	153, 159
Breath test	153, 158
Portable breath test	201
Underage drinking	23, 196

Burglary

“Enter”	191
Intent to commit a felony	179

Common Nuisance	133, 157
------------------------------	----------

Counsel

Right to	
Fifth vs. Sixth Amendments	65, 113
Informants	52, 60
Sixth Amendment	
Duty to inform	143
Invocation	138

Detention of Person for Questioning	120
--	-----

Disclosure of <i>Brady</i> Evidence	42
--	----

Disorderly Conduct	29, 33, 59
---------------------------------	------------

Dog Sniff

Probable cause	124
Traffic stop	123, 159, 176, 199
Drugs	
Abandonment	178
Choke holds	94, 188
Constructive possession	89
Controlled buys	134, 171
OWI	
Implied consent law	35
Escape	150
Field Sobriety Tests	
<i>Miranda</i>	150
Force	
Use of in making arrest	21, 60
Forgery	
Fingerprint card	33
Gangs	33
Handguns	
“Carry” a handgun	100
Constructive possession	81, 203
“Dwelling”	110, 125
Pellet gun	25
Highway Information Checkpoints	147
Identification	
Lineups	74
Pretrial identification generally	17, 109
Showups	75
Informants	
Defendant’s right to counsel	52, 60
Interrogations	
Recording custodial interrogations	79
Juveniles	
Confessions	62, 111
License Plate Placement	

Reasonable suspicion to stop	166
Marijuana	
Odor of burnt marijuana as probable cause	128
Media “Ride-Alongs” With Police	92
<i>Miranda</i>	
Assertion of right to counsel	34, 74
Assertion of right to remain silent	70
Custody	104, 130
Field sobriety tests	150
Focus of suspicion	32, 41
Interrogation	82, 130
Interruption of questioning	81
Juveniles	62
Polygraph stipulation	202
Public safety exception	65, 125
“Question-first” technique	152
Sufficiency of warnings	70
Violation - civil liability	58
OWI	
Breath test	
Refusal - advisements	180
Tongue stud	161
Checkpoints	194
Drugs	
Implied consent law	35
“Endangerment”	86
Implied consent law	76
Investigatory stops	
Citizen complaints	36, 100, 110, 119
“Operating” a vehicle	19, 34, 71, 107, 140, 189
Probable cause	
Citizen’s tip	100, 110, 119
Police - Citizen Encounters	120, 131, 151, 177
Privileges	
Husband-wife privilege	
Fruit of the poisonous tree	70
Probable Cause	
Citizen’s tip	100
Dog sniff	124
Hearsay, use of	201
Probable Cause (cont’d)	

Informants	166
Smell of marijuana	88, 104, 128
Staleness	121
Protective Sweeps	106
Public Nudity	202
“Public Place”	90, 129, 197, 202
Public Records	
Access to	18
Resisting Law Enforcement	
“Force” and “fleeing”	86
Unlawful arrest or entry	108, 118
Search and Seizure	
Arrest, search incident to	21, 84, 132
Choke hold	188
Commercial premises	53
Consent	
Advice by police	61
After illegal arrest	135
Custody	184
Personal containers	117
Scope of search	93, 144
Third-party consent	53, 154, 175
Totality of the circumstances-considerations	151
Would obtain vs. would seek warrant	118
Curtilage	136, 156
Custody of arrestee	35
Detain occupants	160
Inventory searches	27, 84, 154
“Knock and talk”	143
Mail or packages	124
Person in need of aid exception	76, 161
Plain feel	22, 47, 57, 78
Plain view	
Binoculars, use of	68
Enhancements, use of	189
Generally	16, 69, 92
Open view, open fields	69
Probable cause	
Anonymous tip	73
Hearsay	145
Search and Seizure (cont’d)	
Staleness	121

“Seizure”	122, 172
Abandonment of contraband	165, 172
Thermal imaging	42, 118
Trash searches	38, 141, 153, 155, 162, 165
Vehicles	
Automobile exception	137, 155, 170
Computer checks, random	119
Consent generally	16
Consent, passengers’ belongings	96
Exigent circumstances	93
“Frisk” of a vehicle	77
Probable cause	
Generally	191
Marijuana, odor of	88, 104
Passengers’ belongings	92
Search incident to arrest	39, 112, 152, 158, 191
Victim or suspect search	138
Warrants	
Affidavit	
False or reckless statements	193
File with court	185
Generally	103
Misleading	85
Anticipatory	175
Execution of warrants	
Exaggeration of authority	133
Knock and announce	147
Unnecessary persons, presence of	92
Probable cause	
Change in facts	118
Hearsay	145
Staleness	87, 121
Scope of search	63, 95
Seizure of premises while obtaining warrant	113
Specificity requirement	193
Warrantless searches	
Exigent circumstances	28, 38, 180
Ether, odor of	168
Seatbelt Enforcement Law	92, 102, 105
Consent to search	150
“Properly fastened”	200
Questioning, limitations on	190
“Truck”	144
Sexual Misconduct	178
Stalking	24

Stop and Frisk

vs. Consensual encounter 120, 131
Collective police knowledge 170
Driver’s license, retaining of as a detention 145
Frisk
 Crime suspected 167
 Purpose and scope 64, 130
Generally 55, 79, 97, 142, 146, 159, 169, 185
Meth precursors-reasonable suspicion 148
Purpose and scope 195
Stop
 Furtive gestures 95
 Use of force 31
Tip, stop based on 16, 50, 128, 172

Thermal Imaging 42, 118

Tinted Windows

Traffic stop 202

Traffic Stops

Illegal drug inquiry 192
Length of
 Dog sniff 123, 159
 Generally 199
Passengers
 Detain 94, 98
 Order from vehicle 64
Pat-downs 114
Pretextual 186
Registered owner’s driver’s license suspended,
 based on knowledge that 200
Searches
 Consent
 Generally 182, 184
 Passengers’ belongings 96
 Routinely request 99
 Probable cause
 Marijuana, odor of 88, 104
Stop and frisk 43, 97, 148
Tinted windows 202
Weapons inquiry 115, 157

Uniform or Marked Vehicle Law 25, 49, 106, 128, 183