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The Pennsylvania Police Criminal Law Bulletin

In Memoriam

Police Officer Jeff Kocab, and Police Officer Dave Curtis, Tampa, Florida, Police Department, on June 29, 2010, were murdered by head shots while not wearing a ballistic face shield at a traffic stop as they approached the passenger side. The stop was initially for a missing license plate, but the passenger, the shooter, was wanted for a worthless check. A check on the passenger's record would have shown attempted first degree murder, and other violent crimes.

(Editor's Note: This was a high risk situation in my opinion and justified placing ballistic face shields on the officers' heads before they approached the car. They had body vests on but to no avail. Bad guys, knowing the vests are worn, and wanting to kill officers, are probably aiming for the head.

MEMORANDUM OF LAW

BY

Stanley Cohen, Attorney at Law

June 18, 2010

ISSUE (Submitted by a Pennsylvania police officer)

Vehicle with two occupants is lawfully stopped for a burnt out brake light. The officer asked for identification from both occupants. The driver produces his driver's license and the passenger says that he does not have any identification with him. The passenger, who is Hispanic, identifies himself as John Doe and provides his date of birth and social security number upon request. Doe says that he has a PA driver's license which he left at his house. He does not have any form of identification with him. The officer asks for the current address that is associated with his driver's license and he responds with 123 Main St., Harrisburg, Pa. As part of routine questioning, the officer asks the occupants from where are they coming and where are they headed. The driver said that he had just picked up his friend at his house and he is driving them to the Philadelphia Airport. Doe has booked a flight to Miami, but has no explanation on how he is going to ID himself to get on the plane.

The officer runs the information provided and finds a valid license for the driver but no identification for the passenger. The officer returns to the vehicle and confirms the information that Doe provided. Doe verifies that he does not have a hyphenated last name and the officer asks what city is listed on the driver's license. Doe says Harrisburg. The officer returns to his cruiser and narrows down the statewide search for Doe's driver's license

by listing the city of Harrisburg in the search field. No identification is found. The officer now suspects that Doe is providing a false name since he cannot confirm the existence of his driver's license, which should easily be accomplished by listing only the name and the city of Harrisburg. The officer warns Doe that he is under investigation for providing a false name and would be arrested for false ID to law enforcement if it is found out he is lying about his name. Doe provides an itinerary which lists his confirmation number with the airline. The officer checks with the airline and learns that Doe's real name is John Doe-Rae and has several outstanding warrants for delivery of cocaine. The officer obtains Doe-Rae's driver's license photo through J-Net and confirms that it is the passenger in the car. The officer arrests Doe on the warrants and charged him with false ID.

The questions are

1. Is suspicion of false ID to LE ok for the base violation of law for an investigation given all of the information and you still can't confirm his identification?

2. Is not providing a second last name, when specifically asked about it, enough for a false id charge?

3. Trying to confirm Doe's identification cause the stop to be delayed 45 minutes. Given the facts, would this still be ok based upon the new case law?

Depending on who we ask, we get different answers. I was looking for a solid answer and any case law that may back this up.

CONCLUSION AND LAW

The law which answers the questions posed is in Commonwealth v. Flamer, 848 A.2d

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951 (2004) and in the June 2004 Pennsylvania Police criminal Law Bulletin. In **Flamer**, a vehicle was stopped for a traffic violation. The officer informed the defendant who was driving the reason for the stop. The defendant handed the officer a temporary registration form and stated he did not have his license with him and that Rodney Flame was the owner named in the temporary registration and the name on the signature line was Rodney Flamer. The officer asked defendant what his name was and he answered Lateef Moore. (This was a lie because his legal name was Rodney Flamer. When his driver's license and temporary registration information could not be verified, he was arrested and taken to the station. At the station, defendant told the officer he was Rodney Flamer. He testified that he was a practicing Muslim and his father gave him the Muslim name, Lateef Moore. Defendant was convicted of providing false information to law enforcement authorities, and he appealed. On appeal, the court affirmed his conviction, and set out the elements of the crime as follows: a person (a) furnishes law enforcement authorities with false information about his identity, (b) after being informed by a law enforcement officer who is in uniform or identified himself as a law enforcement officer, (c) that the person is the subject of an official investigation of a violation of the law.

The court reasoned that defendant's last name was Rodney Flamer. He told the officer his name was Lateef Moore. On direct examination he testified he realized he was causing a problem because the officer needed the correct information. This is when he told the officer his name was Rodney Flamer, not Lateef Moore. Section 4914 requires a person to provide the officer with his legal name.

Concerning whether suspicion of false ID to LE ok for the base violation of law for an investigation given all of the information and you still can't confirm his identification, the facts in **Flamer**, like the facts in the present case, show

that the charge of 4914 would be valid against John Doe-Rae. Section 4914 does not require any base violation of law. It merely provides that the officer be investigating a violation of law. In the present case, the officer was investigating a violation of section 4914 of the Crimes code.

The statute merely provides that the officer inform the defendant that defendant is the subject of an official investigation of a violation of law. The intent of the statute is that the person gives the officer accurate and true information regarding his name so that the officer may conduct an adequate investigation of the crime. The crime the officer was investigating was giving false information to a police officer, section 4914 of the Crimes Code. One element of this crime is furnish police with false information about his identity. In order to be able to determine if this element was satisfied or not, the officer would need to be given a name that is either true or false.

Regarding the second question, Doe-Rae violated Section 4914 when he gave the false name of Ray, after the officer notified him he was conducting an investigation of Section 4914.

Concerning question three, I believe the law and answers stated above show that Doe-Rae is guilty of 4914 of the Crimes Code.

Automobiles, loud exhaust noise emitted by vehicle, police officer's experience and judgment can establish reasonable suspicion to stop vehicle for a violation, when

**Commonwealth v. Bailey
Superior Court of Pennsylvania (4/25/10)
947 A.2d 808**

Facts

A police officer saw a car speeding. He noticed that the exhaust system was very loud. The car looked like a car he knew was owned by a person with a suspended driver's license. Acting on his suspicion, the officer radioed another police officer to look out for the car with an extremely loud exhaust system and the driver may be driving under suspension.

Seven hours later, the other officer saw the car and stopped it. The officer noticed that the exhaust system sounded louder than the exhaust system of other cars of the same make. He stopped the car because he testified he had

reasonable suspicion the car was equipped with a faulty exhaust, based on the noise the car was making, because he thought the person was driving under suspension.

The officer discovered the defendant driving the car and the unlicensed person the first officer suspected was driving the car was sitting in the passenger seat. He smelled alcohol coming from the vehicle and ordered defendant out of the car and, after he failed sobriety tests, he arrested defendant for DUI.

Defendant moved to suppress the evidence claiming the officer did not have reasonable suspicion to stop the car, but the motion was denied and he was convicted. Defendant appealed.

Issue

Whether the lower court erred in denying the motion to suppress the evidence because the police lacked reasonable suspicion to stop the car?

Decision

No. Affirmed.

Reasoning

A police officer has reasonable suspicion to stop a car when he/she is able to state specific observations which, when considered with reasonable inferences that can be made from those observations, lead to a reasonable conclusion, in light of the officer's experience, that criminal activity is afoot or happening. All of the circumstances must be considered.

Information acquired by the police came from two sources: The first officer and the officer who made the stop. The officer who stopped defendant did so, in part, based on the information received from the first officer. This is ok, because a police officer need not personally see the suspicious or illegal conduct, which forms the basis for the reasonable suspicion, but may rely on information given by other persons. A police officer may stop a vehicle based on a radio broadcast if evidence is offered at the suppression hearing that shows reasonable suspicion. Just hearing a radio broadcast by itself does not show reasonable suspicion. The same may be done in the case of arrest. One officer may arrest based on a request made by another officer, if the other officer had probable cause for the arrest. The reasons the

officer made the stop were based on his own observations and the information received from the first officer, and this was proper.

Defendant claims that the belief by the officer making the stop that the car was being driven by an unlicensed driver was insufficient to show reasonable suspicion to justify the stop. In a prior case, we held that the knowledge that a vehicle is owned by a person whose driving privileges are suspended, coupled with the mere assumption that the owner is driving the car the officer is looking at, does not give rise to reasonable suspicion that a violation is occurring every time this car is driven during the owner's suspension. In this case, the first officer's testimony established that he merely assumed the driver of the car was unlicensed. The hunch by the officer that the driver was driving while under suspension was not sufficient to show reasonable suspicion to justify stopping the car.

But, the officer who stopped the car also testified that he stopped the car because he had reasonable suspicion that it had a faulty exhaust system. The Vehicle Code requires all motor vehicles to be equipped with a muffler or other noise suppressing system in good working order. No person shall modify the exhaust system in a manner which will increase or amplify the noise emitted by the vehicle above the maximum levels permitted under subsection (a) or violate the provisions of subsection (b).

Under section 4523(a) a violation occurs if the vehicle emits sound in excess of the permitted level prescribed by regulation, and under section 4523 (c) a violation occurs if the vehicle's muffler is not in good working order. Defendant claims that since the statute states that regulations shall establish the prescribed sound levels, the testing procedures and instrumentation to be used, a law enforcement officer cannot stop a vehicle for a suspected sound violation unless he or she is trained in accordance with such regulations.

It is virtually impossible to determine what "excessive or unusual noise" is without a particularized and constant definition of this standard and a defined method of testing to see if the standard is being violated. In light of this impossibility, our legislature eliminated the subjective "excessive and unusually noise" test in favor of the fully objective section 4523(a) "regulations promulgated" quantum of proof."

The regulations passed by the department referred to section 4523(a) are set forth in Title 67 of the Pennsylvania Code.. Section 157.11 sets forth various levels of decibels above which a vehicle may not emit at different speeds. The regulations also provide that any police officer shall be authorized to inspect and test vehicle in accordance with the procedures in this chapter, and that police officers selected to measure sound levels of vehicle shall have received training in the techniques of sound measurement and operation of sound measuring instruments. The regulations set forth intricate testing procedures for police to follow in deciding if an exhaust system complies with section 157.11(a) sound limits.

If a person is prosecuted for a sound violation under section 4523(a), it must produce evidence, in accord with the regulations that would establish beyond a reasonable doubt that a violation has occurred. But, that is not what happened in this case. In this case, the police officer suspected a violation of section 4523(a) and when he stopped defendant, he discovered defendant had committed a greater crime, namely DUI. Thus, he was never prosecuted for violating section 4523(a).

The question is was the officers justified in stopping defendant for violating section 4523(a) even though the officer was not trained as required by the regulations and could not prove beyond a reasonable doubt the sound emitted by defendant exceeded the established sound levels. We rule that while such evidence is necessary to prove guilt beyond a reasonable doubt, it is not required for a police officer to make a traffic stop and investigative detention.

If we did require such evidence, it would mean that police officers would have to be certified as lab technicians before they could stop a suspected perpetrator for a drug violation or DUI violation. A vehicle's exhaust system could be so loud that it shakes the police officer out of his or her shoes, and yet the officer would not be able to stop the vehicle because the officer does not have the technical training to establish a sound violation beyond a reasonable doubt, even when common sense would lead the officer to reasonably suspect that there has been a violation.

We rule that the law is as follows: Police officers need not be held to the high technical standards established by the regulations because

police officers, through their experience and observations, are able to state their observations that lead them to reasonably conclude that criminal activity under section 4523(a) is occurring. In this case, the officer testified that he heard defendant's vehicle emitting a sound through its exhaust system that was louder than other cars of this make and that this led him to suspect a faulty exhaust system. Such testimony is sufficient to show reasonable suspicion that the vehicle was in violation of 4523(a).

Expert testimony in DUI cases not required to prove individual was incapable of safe driving while under the influence of cocaine, when

**Commonwealth v. Dipanfilo
Superior Court of Pennsylvania (04/16/2010)
No. 2180 EDA 2009**

Facts

At approximately 5:30 a.m. on March 27, 2007 Gerald Gebbie, a resident of the 1000 block of Poplar Street, Lansdale, Montgomery County, was awoken by the sound of metal crunching. Gebbie looked out of his window, down the street, which is a distance of approximately 25 to 30 feet. Gebbie observed that a truck crashed into a handicapped sign, and landed with two of its wheels on the curb. Gebbie's view of the accident was unobstructed and there were two illuminated lights in the vicinity.

Gebbie observed a white male, the sole occupant of the vehicle, exit the vehicle looking disoriented. Defendant left the driver's side door open, headlights on and slowly walked around to the front of the vehicle. After standing there for a moment, defendant walked away from the scene of the accident. Gebbie called police.

Officer Adrienne Duffy, a nine year veteran of the Lansdale Police Department, responded to the report of a vehicle accident, and spoke to Gebbie about what he had just witnessed. A check of the registration revealed that the vehicle was registered to defendant. Based on Gebbie's information and description, the officer located defendant. Defendant was the only person Officer Duffy observed in the neighborhood, and he matched Gebbie's description. Upon seeing defendant, Officer Duffy exited her vehicle, identified herself as a police officer and told him to stop. Initially,

defendant stopped walking, but then he turned and fled on foot. After a short foot chase, Officer Duffy caught up to defendant when he fell down a flight of stairs. Officer Duffy arrested the defendant, and called for an ambulance because defendant complained of ankle and foot pain. Officer Duffy took defendant back to the scene, and Gebbie identified him.

At trial Officer Duffy testified that when she came upon defendant, he appeared very lethargic, his movements were very slow, his speech was slurred and his skin had a grey appearance. Officer Duffy also testified that based upon her years as a police officer, her specialized training and experience and the specific observations of defendant, she believed defendant was under the influence of a controlled substance to the extent that he was incapable of safely driving or operating a motor vehicle. Officer Duffy did not have defendant perform a field sobriety test because she believed that defendant could not perform it safely due to his possible ankle and foot injury.

The ambulance took defendant to a hospital. Once at the hospital, Officer Duffy requested that defendant undergo chemical testing. She read the chemical testing request and refusal form in its entirety. Defendant was uncooperative and refused to give blood and sign the form. Because defendant refused to sign the form, Officer Duffy marked the form on the signature line as "refused." However a routine urine drug screen was taken at the hospital at approximately 7:56 a.m., which revealed the presence of cocaine metabolites and opiates.

On April 2, 2009 a jury trial was conducted, at the conclusion of which defendant was found guilty and he appealed.

The defendant argues that the Commonwealth presented insufficient evidence that he was "under the influence of a drug or combination of drugs to a degree which impairs the individual's ability to safely drive." Defendant admits that he had cocaine metabolites and opiates in his urine, but argues that this evidence cannot be scientifically linked to any impairment. Moreover, defendant argues that the law requires proof from expert witnesses, because "the impairing effect of controlled substances upon an individual is beyond that experience of lay persons." In advancing the argument that the Commonwealth failed to prove its case with expert testimony,

Issue

Is there legally sufficient evidence of record to support defendant's conviction for violating 75 Pa.C.S. 3802(d)(2)?

Decision

Yes. Affirmed.

Reasoning

The conviction challenges arose from application of the specific requirements of 75 Pa.C.S. 3802(d)(2) **Driving under the influence of alcohol or controlled substance, which states.**

(d) Controlled substances. An individual may not drive, operate or be in actual physical control of the movement of a vehicle under any of the following circumstances:

(2) The individual is under the influence of a drug or combination of drugs to a degree which impairs the individual's ability to safely drive, operate or be in actual physical control of the movement of the vehicle.

In a prior case, a defendant argued that the evidence was insufficient to show impairment because the Commonwealth did not present any expert evidence linking the presence of those chemicals in her bloodstream to any impairment. This Court agreed. While we readily concluded that the defendant was incapable of safe driving, we held that the Commonwealth did not adequately prove that this impairment was caused by the influence of prescription drugs:

In the absence of expert testimony, whereas the intoxicating effect of alcohol is widely known and recognized by the average layperson, the same cannot be said of prescription medications, either alone or in combination with other controlled substances.

The fact that the defendant in the prior case displayed physical symptoms out of the ordinary does not, in and of itself, establish a sufficient basis for finding a causal link with ingestion of any particular drug. In the absence of expert testimony, the fact finder might have concluded just as easily that the defendant's physical symptoms were the result of the illness or condition the medications had been prescribed to treat. Thus, while the evidence adduced may have established the defendant's guilt of careless driving, reckless driving and driving on roadways laned for traffic, it was not sufficient to prove her guilt of driving under the

influence of controlled substances pursuant to 75 Pa.C.S. 3802(d)(2).

In another prior case, the police stopped a defendant after he drove the wrong way down an exit ramp. He smelled of alcohol and failed field sobriety tests. After his arrest, blood tests revealed a BAC of .05% and the presence of 53 milligrams of metabolites of cannabinoids. The defendant was convicted, *inter alia*, of a violation of 3802(d)(2).

On appeal, this Court held that the evidence was insufficient to support the 3802(d)(2) conviction because the Commonwealth presented no evidence (aside from the bare evidence of metabolites) that the defendant was under the influence of marijuana at the time of driving, such that his ability to drive was impaired. We recognized that the Commonwealth's own expert did not draw a link between metabolites and impairment. Rather, the presence of metabolites only showed that the defendant consumed marijuana sometime in the past.

In the present case, the drugs at issue are cocaine and opiates, rather than prescription drugs or marijuana. It is true that there is a need for expert testimony in the area of prescription drugs. However, the reasoning behind this rule stems from the fact that the side-effects of prescription drugs may not be widely or publicly known, particularly when they are used to treat an underlying medical condition. In contrast, the intoxicating effects of cocaine and opiates, like the intoxicating effects of alcohol, are more widely and commonly understood than the effects of prescription medication. Expert testimony is not necessary in a DUI-alcohol case under 75 Pa.C.S.A. 3801(a)(1); the Commonwealth may present any form of proof, including the defendant's behavior, the nature of the accident itself, and any other relevant evidence (which may or may not include blood alcohol tests).

We acknowledge the need for expert testimony in the area of marijuana, a commonly-known drug like cocaine and alcohol. However, there is no need for requiring expert testimony in every marijuana case, or (as defendant seems to suggest) in every illegal-drug case. Rather, the holding in the prior case arose from the fact that the Commonwealth only proved the presence of cannabinoid metabolites in the defendant's bloodstream and marijuana is a fat-soluble drug that can remain in the blood for months.

Defendant apparently recognizes that unlike cannabinoid metabolites, cocaine metabolites do not stay in the body for months. Cocaine metabolites remain in the body for two to four days after use. Thus, there is a closer biological link between impairment and the presence of cocaine metabolites.

Finally, and most importantly, we cannot ignore the fact that **defendant refused a blood test**. Defendant seems to take the position that: (1) expert testimony is always necessary in illegal-drug cases; (2) the Commonwealth did not produce an expert; and (3) even if the Commonwealth had done so, the expert's opinion would have been invalid because it was not based on **blood** tests. According to defendant, it is impossible to extract a scientifically valid expert opinion from the "raw data" of a **urine** test. As the Commonwealth points out, the flaw in this argument is that it would permit cocaine users (and presumably other illegal drug users) to drive under the influence of those drugs and avoid prosecution entirely by simply refusing a blood test. We refuse to approve this absurd result.

Rather than insist on proof that may lie exclusively within defendant's own bloodstream, which he refused to provide, we will instead turn to the totality of the circumstances. Defendant drove at slow speed up a sidewalk and into a handicapped sign without any apparent provocation from other drivers. He emerged from the vehicle looking disoriented. "At trial Officer Duffy testified that when she arrived at the scene, he appeared very lethargic, his movements were very slow, his speech was slurred and his skin had a grey appearance. Officer Duffy also testified that based upon her years as a police officer, her specialized training and experience and the specific observations of defendant, she believed was under the influence of a controlled substance to the extent that he was incapable of safely driving or operating a motor vehicle." Urine tests revealed the presence of cocaine metabolites and opiates. The record reflected no other potential cause for the accident and for defendant's behavior. When we construe these facts and inferences therefrom in the light most favorable to the Commonwealth as the prevailing party, we conclude that it was sufficient to establish the link between cocaine/opiate use and impairment beyond a reasonable doubt.

**Stop and Frisk, facts sufficient to establish
reasonable suspicion of criminal activity
Commonwealth v. Daniels**

**Superior Court of Pennsylvania (6/18/10)
No. 3477 EDA 2008**

Facts

Two police officers were driving their cruiser when one of them, who had previously witnessed numerous narcotic transactions in the area, saw defendant sitting in the driver's seat of a parked vehicle. A male then approached defendant and handed him U.S. currency and in return defendant handed him a small object which he tore into. The officers then approached defendant's car. They stopped the male as he walked away and retrieved a blue glassine packet of suspected heroin from him. The other officer approached defendant and requested his driver's license and other documents and then saw a blue glassine packet of white powdery substance stamped "100 %" in plain view on the seat between defendant's knees. The officer recognized this item as heroin. Defendant was removed from the car and placed in handcuffs. A search of defendant produced five packets of heroin, \$374, a small blue heat sealed packet containing marijuana, and a tan envelope containing marijuana.

Defendant was arrested and in court he moved to suppress the evidence which the court denied and he was convicted of possession with intent to deliver (PWID) a controlled substance and he appealed.

Issue

Whether the stop of defendant was lawful?

Decision

Yes. Affirmed.

Reasoning

Factors that may establish PWID are the packaging, the form of the drug, and behavior of the person. The officer saw a male approached defendant in a parked car and saw a hand-to-hand exchange of money for small objects. The male was stopped and heroin was found on him. When defendant was arrested he possessed five blue sealed packets of heroin and \$374 in cash. The following facts were sufficient

evidence to prove defendant guilty of PWTD: The amount of heroin possessed, its packaging, the cash possessed by defendant, the fact that the officer saw the male engage in a hand-to-hand transaction with defendant and that when arrested, the male was found to possess one of the same packets of heroin that defendant possessed.

Concerning the issue of suppressing the evidence, defendant claims when the officer stopped him the stop was not supported by reasonable suspicion or probable cause. The stop was lawful based on this reasoning. The stopping of a vehicle constitutes an investigative detention which must be supported by reasonable suspicion. The officer saw the male walk up to defendant's car, reach through the window, and hand defendant what appeared to be money in exchange for a small item. After getting the item, the male began ripping it open. The officer knew this to be a high drug trafficking area. The officer believed that he saw a drug transaction and he investigated further. These facts were sufficient to give the officer reasonable suspicion that defendant was engaged in criminal activity. So the stop of defendant was lawful.

But probable cause had not developed at this point. The reason is this: The officer did not relate how his experience and training helped him form the belief that he had witnessed a drug transaction. It is for this reason that probable cause may not have been established solely on the officer's testimony.

*(Editor's Note: However, even without stating what this officer thought, the facts were sufficient to create reasonable suspicion. Quick hand-to-hand transactions of money for small items through a car window in a crime area are commonly known to often involve narcotics. The items passed were so small that the officer could not see them as they passed from hand-to-hand. The fact that the suspected buyer began to rip open the item increased the officer's suspicions. The Court cited **Commonwealth v Thompson**, 985 A.2d 928 (2009) and in the December 2009 Bulletin, in which it was stated that a police officer's experience may be regarded as a relevant factor in determining probable cause. But for the officer's experience to create probable cause the officer must testify as to how his experience was able to enable him to determine what he was seeing was a drug transaction. Since the officer did not do this in this case, his testimony that he*

saw the hand-to-hand transactions at the car and the male tearing open the small item was not sufficient to create probable cause to arrest. This was not important in this case because no arrest was made at this time. A detention had occurred prior to the officer seeing the glassine bag in the car and placing defendant in handcuffs. A detention only requires reasonable suspicion to be lawful, and the officer's testimony was sufficient to create this. After the officer saw the glassine bag in the car, probable cause to arrest did develop with this observation, and the arrest was lawful).

Reasonable suspicion ripened into probable cause to arrest defendant when one officer saw the heat-sealed packet of heroin on defendant's lap in plain view. Reasonable suspicion can develop into probable cause when the officer gets additional information which confirms the officer's earlier suspicions. Thus the motion was properly denied.

(Editor's Note: One thing this case demonstrates is that prior to a court appearance, where an officer's training and experience may be needed to help establish probable cause to arrest, the officer and the District Attorney must coordinate asking and answering questions that will show what an officer's experience consists of and then showing how that experience was relevant to enabling the officer to arrive at his/her conclusions that criminal activity had occurred prior to arrest.

Also, a police officer must constantly monitor the facts and circumstances in any situation he/she confronts and consider them for their value of creating reasonable suspicion of

criminal activity and/or developing into probable cause. Even if an officer sees circumstances which may create reasonable suspicion or probable cause to arrest, but he/she is not reasonably sure or the officer decides it is best to delay making an immediate detention or arrest,, the best action, if it is reasonably safe for the officer to do so, would be to create a consensual, mere encounter situation, which does not require reasonable suspicion or probable cause. The officer may ask questions and not be required to give the Miranda warnings or to have reasonable suspicion or probable cause. The information he/she obtains should be constantly added together and analyzed, like on an adding machine, going from zero information about criminal activity to enough information to give the officer reasonable belief that criminal activity is occurring to justify a brief detention to enough information to create a belief strong enough to constitute probable cause to be a crime has been committed to justify an arrest.)

Updates

1. In the May 2010 Bulletin in **Berghius v. Thompkins**, change No. 08-1470 to 130 S.Ct. 2250, and in **City of Ontario v. Quon** , change No. 08-1332 to 177 L.Ed.2d 216.

2. In the April 2010 Bulletin in **U.S. v. King**, change No. 09-1861 to 604 F.3d 125, And in **Commonwealth v. Cooper**, change No. 223 EDA 2009 to 994 A.2d 589, and in **Harris v. Department of Transportation**, change No. 900 C.D. 2008 to 969 A.2d 30.
