



Minneapolis Police Department Policy and Procedure Manual

Number:
9-100

Volume Nine – Enforcement Policies

Adult Stops, Searches, and Seizures

9-103 Reasonable Articulate Suspicion

(xx/xx/xx)

I. Purpose

This policy ensures that all personnel understand the legal standard of reasonable articulable suspicion (RAS), and outlines appropriate practices to promote accountability, transparency, and public trust in the investigative process.

II. Reasonable Articulate Suspicion Defined

RAS is a well-founded suspicion based on specific, objective, articulable facts taken together with the member's training and experience that a person has committed, is committing, or is about to commit a crime. RAS cannot be based on mere speculation or a simple assertion of criminal activity.

III. Policy

Members may only conduct investigative detentions (including vehicle and traffic stops) when they have RAS that the person is committing, has committed, or is about to commit a criminal offense, traffic offense, or petty misdemeanor. Members shall not stop any person or vehicle unless they have developed the necessary RAS, as described below in [IV], and may only detain the person for as long as necessary to carry out the original purpose of the stop.

IV. Factors in Establishing RAS

The following subcategories are factors in establishing RAS:

A. Articulate facts

1. RAS must be founded on specific and objective facts or observations about how a person behaves, what the person is seen or heard doing, and the circumstances or situation regarding the person that are witnessed or known by the member. Accordingly, RAS must be described with reference to facts or observations about a particular person's actions or the particular circumstances that a member encounters. One factor alone is typically not sufficient to establish RAS and circumstances will vary in each case.

2. When establishing RAS, and except as provided in P&P 5-104, members shall not consider a person's protected class status, or substitutes for, or stereotypes of race or national origin, to any extent or degree.

B. Anonymous tips

To give rise to RAS, an anonymous tip must be sufficiently detailed, and all facts and circumstances must indicate the tip's reliability. Some information that should be gathered from an anonymous tip includes:

1. Description of the incident or crime, as thorough as possible, including how the tipster learned this information.
2. Time and date of the incident, if known. If unsure, an estimate of the time and date of the incident.
3. Location of the incident, including specific addresses, landmarks, or descriptions of the area.
4. Descriptions of the people involved in the incident, including their physical appearance, clothing, vehicles, and names, if known.
5. Any additional information that could be relevant, such as whether any photos, videos, etc., are available.

C. Mere speculation

Mere speculation is not sufficient to establish RAS without additional information.

D. Location

1. RAS cannot be based solely on a person's presence in an area, neighborhood, or location, or the observation that the person does not belong in the area, neighborhood, or location.
2. A member may use the fact that a location is known for a particular type of criminal activity as one fact among multiple factors that, when combined, establish RAS. To conclude that the type of criminal activity in a specific location contributes to establishing RAS, the member must be able to articulate how the nature, frequency, and recency of the criminal activity are relevant to the suspected crime.
 - a. For example, the fact that drug dealing is known to occur on a specific corner at a particular time of day within the past two weeks could be one fact that, when considered together with other facts, establishes RAS that two people exchanging money on that corner at that time of day are engaged in a drug transaction.

- b. By contrast, the fact that there has been a recent increase in nighttime, forced rear window burglaries in a particular area does not help to establish RAS that a person flagging down cars in that area during the daytime is a burglar.
3. A location known for a specific type of criminal activity must be clearly defined (e.g., an address, a specific business location, a specific corner, a specific block or park, etc.) and cannot be a general area (e.g., a precinct, an entire neighborhood, etc.) to be used as a factor in establishing RAS.
4. Members shall not use only broad, boilerplate phrases such as “high crime area” or “acting suspiciously” when articulating RAS and shall use specific and descriptive language individualized to the person stopped and the circumstances of the detention.

E. Proximity to crime scene

1. RAS cannot be based solely on a person’s proximity to the scene of a reported or suspected crime.
2. Members may use a person’s proximity to the scene of a specific reported or suspected crime as one factor in formulating RAS that the person committed that specific crime. However, members must explain how close the person was to the scene and why it was reasonable to believe the person was involved, based on their proximity to the scene. Relevant factors to consider include:
 - How recently the crime occurred and whether the person could have traveled that distance in that time.
 - Whether the member observes the person’s behavior consistent with someone who just committed the crime.
 - Whether the person matches any specific and detailed witness descriptions that refers to a person with a particular demographic category and other appropriate non-demographic identifying factors (as described in P&P 9-101 and P&P 5-104).
 - Observations of the incident.
3. This policy does not prohibit a member from “freezing” a crime scene in accordance with P&P 10-100.

F. Presence in company of others suspected of criminal activity

RAS cannot be based solely on the person’s presence in the company of others suspected of criminal activity. The member must have additional factors beyond presence in the company of others to support RAS that the person is engaged, has been engaged, or is about to be engaged in criminal activity (e.g., presence in a car with a suspected drug dealer, family ties to individuals with criminal history, or being near a person with an active warrant cannot be the sole basis for establishing RAS).

G. Response to police presence

1. RAS cannot be based solely on a person's response to the presence of police, including a person's attempt to avoid contact with a member (e.g., walking away, declining to talk, running away, or crossing the street to avoid contact). People may avoid contact with police for many reasons other than involvement in criminal activity.
2. Members shall not intentionally provoke or attempt to provoke flight to justify an investigative detention or a foot pursuit (P&P 7-806).
3. Members shall not take actions to create RAS (such as quickly exiting a squad and running at the person).
 - a. Members shall not drive at a high rate of speed toward a congregated group, aggressively brake, and exit quickly with the intention of stopping anyone in the group who flees.

H. Unprovoked flight

1. RAS cannot be based solely on a person's unprovoked flight. A member may only conduct an investigative detention due to unprovoked flight of a person when the following also applies:
 - The member can articulate individualized RAS that the person is involved in, is about to be involved in, or has been involved in criminal activity.
2. Members must be able to clearly articulate how the person's unprovoked flight, in combination with other specific facts, supports RAS that the person is engaged in criminal activity.

I. False information

Members shall not rely on information known to be materially false or incorrect in establishing RAS or probable cause (PC).

J. Verbal criticism

RAS cannot be based on a person's verbal criticism of law enforcement, including profanity, and members shall not use it to initiate or justify an investigative detention.

Glossary

Investigative Detention: If a reasonable person under the circumstances would believe they are not free to leave, but that person is not under formal arrest, an investigative detention has occurred (sometimes known as a pedestrian, vehicle, or traffic stop), based on reasonable articulable suspicion that the person stopped is committing, is about to commit, or has committed

a crime, petty misdemeanor, or traffic offense. See P&P 9-104 for factors that may affect whether a person would believe they are free to leave. See P&P 9-105 regarding investigative detention requirements.

Mere Speculation: A hunch, opinion, or gut feeling formed without concrete evidence or specific facts. Mere speculation does not provide a legal basis for investigative detentions, weapons pat-downs, searches, or arrests.

Probable Cause (PC): Where an objective assessment of the articulable facts and circumstances, taken as a whole and known to the member at the time, would lead a reasonable member to believe the following:

- To effectuate an arrest or issue a citation: That a particular person has committed or is committing a specific crime or a traffic violation.
- To search: That evidence of a specific crime, contraband, or a person subject to arrest is located in a particular place.

Probable cause (PC) requires stronger evidence and greater certainty than reasonable articulable suspicion, and cannot be based on mere speculation or a simple assertion of criminal activity.

Reasonable Articulable Suspicion (RAS): A well-founded suspicion based on specific, objective, articulable facts taken together with the member's training and experience that a person has committed, is committing, or is about to commit a crime. Reasonable articulable suspicion (RAS) cannot be based on mere speculation or a simple assertion of criminal activity. See P&P 9-103 for more information on RAS.