

Back to Basics: Reasonable Suspicion to Justify a Detention

People v. Flores

15 Cal. 5th 1032 (2024)

November 2024

Background:

In May 2019, at around 10:00pm, LAPD officers were patrolling a known high-crime area notorious for gang activity and drug sales. While passing a cul-de-sac, they noticed Flores standing alone next to a car parked at a red curb. Upon seeing the officers, Flores moved behind the car and ducked out of sight. This behavior immediately caught the officers' attention, so they parked behind the vehicle to investigate.

As they got out of the car, Flores popped his head up, stretched and quickly disappeared behind the car again. Moments later, he repeated this odd behavior, avoiding eye contact with the officers. When they approached on foot, Flores bent over pretending to tie his shoes and continued to ignore their attempts to engage him. Suspicious of his actions, the officers detained him.

A search of his vehicle revealed methamphetamine and a gun. Flores argued in court that the officers lacked "reasonable suspicion" to detain him in the first place and sought to have the evidence suppressed, claiming

their reasoning - that he was acting "odd" - was not enough.

The trial court disagreed. The court found that Flores' evasive actions, such as "ducking", "remaining hunched over", and "toying with his feet", were indeed suspicious enough to warrant detention. The appellate court upheld this decision, agreeing that the officers had reasonable suspicion.

When Flores appealed his case to the CA Supreme Court, the ruling changed. The Court reversed the earlier decision, concluding that Flores' behavior, even in a high-crime area, wasn't enough to meet the standard for reasonable suspicion. As a result, the evidence was thrown out.

Terry v. Ohio – Key Case on Reasonable Suspicion

The concept of "reasonable suspicion" goes back to the landmark case *Terry v. Ohio* (1968). In this case, a Cleveland detective was on foot patrol when he observed two men, one of them Terry, loitering near a jewelry store. Over the course of 10 minutes, Terry and his companion repeatedly walked up and down the sidewalk, peering into the shop's windows.

The detective suspected the men were casing the store for a robbery and believed they might be armed. He approached, identified himself as an officer, and asked for their names. When Terry responded by mumbling and turning away, the detective frisked him, discovering a revolver in Terry's coat. Terry was arrested and later challenged the search as unconstitutional.

Before this case, “reasonable suspicion” didn’t exist as a legal standard – only “probable cause”. The Supreme Court ruled that not all searches and seizures are unreasonable, as long as they are justified under the circumstances. They established a 2-part test: 1- Was the officer’s action justified at the start? 2- Was the scope of the detention reasonable, given the circumstances?

The Court concluded that the detective’s decision to briefly detain and pat down Terry was justified because his observations pointed to a potential crime. More importantly, the detective had a legitimate interest in making sure the men weren’t armed, which made the search reasonable.

What is Reasonable Suspicion?

Reasonable suspicion is a legal standard that allows officers to briefly detain a person when they have specific, articulable facts that suggest criminal activity. It’s a lower threshold than probable cause, which requires a stronger belief that a crime has been or is being committed.

Officers don’t need direct evidence linking someone to a crime. Instead, they must be able to explain specific behaviors or circumstances that led them to believe something illegal might be happening. It’s more than a “hunch,” but it doesn’t require hard proof. The detention must be short, only lasting long enough to either confirm or dispel the officer’s suspicion.

In *Terry v. Ohio*, the Supreme Court noted that while each act the detective observed—two men talking on a street corner, walking back and forth,

or looking in a store window—might seem innocent on its own, together these actions raised suspicion when considered through the lens of the detective’s experience.

Back to *People v. Flores*

The key issue in *People v. Flores* was whether the officers had enough specific facts to justify detaining him. Like in *Terry*, the officers observed behaviors they considered suspicious: Flores ducking behind the car and pretending to tie his shoes in an attempt to avoid them. They also factored in the time of night and the high-crime area.

However, the California Supreme Court found this reasoning lacking. Despite his odd behavior, Flores didn’t try to run or flee, and there was no ongoing investigation or call for service related to him. The officers couldn’t point to any concrete facts that linked him to a specific crime, and their justification boiled down to the fact that he was acting “suspicious” or “odd.”

The Court made it clear that nervousness or attempts to avoid police do not automatically create reasonable suspicion. They emphasized that the officers failed to provide more than a “hunch” that Flores was involved in something illegal. As a result, the Court ruled that the detention was unreasonable, and the evidence had to be suppressed.

Bottom Line:

Under the Fourth Amendment, police officers can briefly detain someone if they have a specific and objective reason to suspect criminal activity. But a vague “hunch” isn’t enough. Officers must

explain what made the person's behavior suspicious and how their training and experience led them to that conclusion.

To justify a detention based on reasonable suspicion remember these key points:

-Describe how the person was acting suspiciously

-Explain why their behavior raised red flags

-Detail the specific training and experience that helped you identify the behavior as suspicious.

Simply stating a person was “acting odd” or “nervous” won’t hold up in court.

Stay Safe and Informed!