Police – Legal Aspects

• The US Constitution is the supreme law of the land.
  – Designed to protect citizens against abuses of police powers.
  • The Bill of Rights were additional guarantees not found in the Constitution.
    • [http://topics.law.cornell.edu/constitution/billofrights](http://topics.law.cornell.edu/constitution/billofrights)
    • The popular name given to the first ten amendments to the Constitution.
      • Table 7-1 (p. 227)
Individual rights

- All citizens enjoy the fundamental liberties guaranteed by the Constitution.
- The three branches of government provide for a system of checks and balances.
  - Executive
  - Legislative
  - Judicial
Due Process

• The mandate that justice system officials respect the rights of individuals throughout the process.

• Associated with the following amendments
  – Fifth
    • http://topics.law.cornell.edu/constitution/fifth_amendment
  – Sixth
    • http://topics.law.cornell.edu/constitution/sixth_amendment
  – Fourteenth
    • http://topics.law.cornell.edu/constitution/amendmentxiv
Fourth Amendment – Search & Seizure

• Declares that people are secure against unreasonable search and seizure.
  – [http://topics.law.cornell.edu/constitution/fourth_amendment](http://topics.law.cornell.edu/constitution/fourth_amendment)

• Judicial interpretation.
  – The *Exclusionary Rule*
    • *Weeks v. US* (1914)
      – Federal agents searched Weeks’ home without a warrant and seized several items involved in a lottery scheme.
      – Upon appeal the conviction was overturned.
      – The evidence was not obtained legally.
    • *Fruits of the Poisonous Tree Doctrine*
Good-Faith Exception

  - Allowed evidence that was illegally seized in good faith by the police.
Plain-View

• *US v. Irizarry* (1982)
  – Police cannot move objects to gain a view of evidence that would otherwise be hidden from view.
Exigency – Emergency Search

• A search conducted without warrant that is justified on the basis of an immediate and overriding need for public safety.

• Public Safety Exception
    • Search location for dangerous person.
Arrest

• Taking an individual, adult or juvenile, into custody under the authority of law for the purpose of charging the individual with a criminal offense.
  – A juvenile taken into custody for violating a status offense is not under arrest.
  – Likewise, a juvenile taken into protective custody is not under arrest.
Search Incident to Arrest

• A warrantless search to ensure the safety of the arresting officer.

• *Chimel v. California* (1969)
  – Chimel was arrested by local police in his house.
  – A search of the home, including areas well beyond his control, was conducted.
  – The explanation was that it was procedure, not in a search of evidence.
Reasonable suspicion

- A level of suspicion that justifies further inquiry by the police.
- Allows for the stopping of a person for questioning or a protective pat-down search (*Terry v. Ohio, 1968*).
The Motor Vehicle Exception

• In *Carroll v. US* (1925) the USSC ruled that the warrantless search of MVs is valid if based on a reasonable belief that contraband is present.
  – *US v. Villamonte-Marquez* widened the *Carroll* decision to include watercraft and RVs
Interrogations

• Interrogation is an *information gathering* activity that involves the direct questioning of a suspect(s) by the police.

• The USSC defines it as any behavior that the police “should know are reasonably likely to elicit an incriminating response from the suspect.”
Interrogation problems

• Physical abuse
• Coercion – which falls short of abuse.
  – Blinding light
• Psychological manipulation
  – The use of sophisticated trickery or the use of professionals skilled in psychological manipulation.
**Miranda**

- In the 1960s the USSC handed down two landmark decisions focusing on the individual rights against self-incrimination and availability to legal counsel during interrogation.
  - *Escobedo v. Illinois* – right to counsel
  - *Miranda v. Arizona* – protection against self-incrimination
    - Any waiver must be knowingly and voluntarily
Exceptions to *Miranda*

- Inevitable-discovery
  - *Brewer v. Williams* – the “Christian burial”
  - *Nix v. Williams* – the inevitable discovery
- Public-safety
  - *NY v. Quarles* – “Where’s the gun?”
Nontestimonial Evidence

• A category of physical evidence that may include personal parts of the suspect’s body.
  – Ingested drugs
  – Alcohol
  – Blood cells
  – Foreign objects
  – Medical implants
  – DNA
  – Fingerprints
  – Biological residue