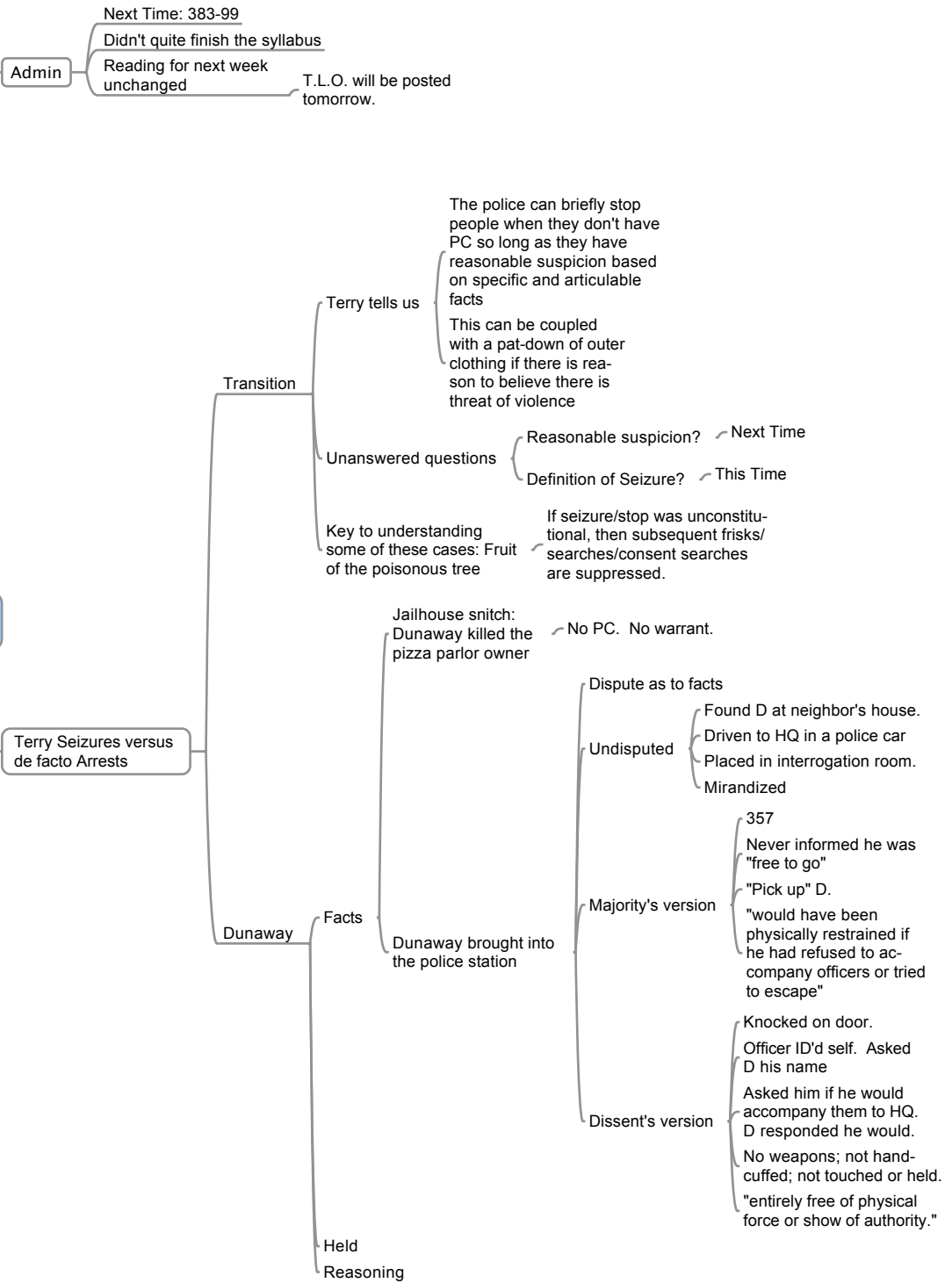


Class 14: Terry Seizures, Arrests, Non-Seizures



Class 14: Terry Seizures, Arrests, Non-Seizures

Terry Seizures versus de facto Arrests

Moving the Suspect

Note 3: Royer

At airport, police took license and passport, asked D to accompany to small room.

Note 4: Mimms

Bright line rule: When an officer stops a driver on the highway, he may order the driver out without justification. Automatic

Note 4: Wilson: Passengers too.

Hypos ⊕

Length of Time

Note 6: Sharpe

Suspicious camper traveling with Pontiac; Pontiac pulled over; camper kept driving.

Officer caught up with camper, pulled over, had to wait twenty minutes for backup.

"Less Intrusive Means"?

Royer

They could've returned his ticket.

They could've used dogs to search his bag.

Sharpe

Court should not indulge in unrealistic second guess-

Creative judge can always imagine some alternative ways. But "less intrusive means" does not by itself render the search unreasonable.

Class 14: Terry Seizures, Arrests, Non-Seizures

Seizures versus non-seizures

Mendenhall

Facts

DEA Drug trafficking beat at Detroit Metro Airport

D (22 year old black woman) arrives from LA.

Fit "drug courier profile" (FN1)
Lots of different names/IDs

Initial interview in terminal

Temporarily took ID and ticket.
Asked about travels, use of other names.
When DEA agent ID'd self, she became extremely nervous.

Move to office, up one flight of stairs, about 50 feet.

In Office

Informed of right to decline search. She said "go ahead"
Purse searched, ticket held.
Strip search. She handed heroin to officer.

Three prongs

Was she seized? When?
Terry-seizure or Dunaway de facto arrest?
reasonable suspicion or PC (as appropriate)?

Three ways this could've been suppressed

Initial stages were Dunaway arrests without PC.
Initial stages were Terry stops without reasonable suspicion
Subsequent consent searches were coerced (Schneckloth)

Held Reasoning

Note 4: Race and Seizure