



**Class 15: Terry And Reasonable Suspicion**

Reasonable Suspicion and Tips

Recall Gates (Probable Cause Case)

Gates

Facts

Anonymous Letter (142)

Chicago suburb couple going to FL by car and plane to pick up drugs.

Many Facts Corroborated pre-warrant affidavit

Lance flew to FL "well known source of narcotics and other illegal drugs."

That night, stayed at Holiday Inn in room under Sue's name.

Next day, left motel in a Mercury with IL license plates registered to them.

"Northbound on an interstate highway frequently used by travelers to the Chicago area."

Stevens' snide retort.

36 Hours after Lance left O'Hare, arrived home.

Stevens (dissent) focuses on the "material mistake"

Sue didn't hop a plane back home.  
She rode with Lance.

Held Valid Probable Cause

Reasoning

Alabama v. White

Facts

Another Anonymous Tip

Woman Leaving Lynwood Terrace Apartments Building 235

at particular time in a brown Plymouth broken right taillight

"possession" of a brown attache case

direction of Dobey's motel. 386: Several turns yet "most direct route possible"

Some facts right

Some facts wrong

Stevens: Not "carrying" the attache case.

After the fact: Cocaine in purse; attache had pot.

Notice: Cocaine found during inventory search.

Some facts uncorroborated at time of stop

Her name 235-C Near the motel, but not to the motel

Pulled over

Held

Reasoning

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Other Anonymous Tips

Adams v. Williams again

Man in nearby car has drugs and gun at waist.

Tap at window; "open the door"; window rolled down instead.

Informant known to officer

Prior unsubstantiated report leading to no arrest.

JL

Anonymous phone call: "Young black man standing at a particular bus stop and wearing a plaid shirt [is] carrying a gun"

Held: Unan.: Lack of reasonable suspicion.

Racial Profiling

Recall Whren and Pretext

Stats on African Americans and crime.  
 University seizing all black males at university to look for telltale wound.  
 November, 2001: Middle Eastern men with near-expired  
 Entered 10/01 to 2/02 from certain countries on non-immigrant visas  
 9/11 hypo about middle eastern men boarding plane.

What about when race IS arguably relevant? (390-91)

Should seizures with NO suspicion ever be allowed, when the stakes are high enough?

Or when the intrusion is mild enough?

Note 8 Problems

Reasonable Suspicion and Flight

Wardlow

Facts

Uniformed officers  
 Driving through "area known for heavy narcotics trafficking" in caravan of four

Saw D standing next to a building holding an opaque bag.

D looked in their direction.  
 Ran.

Chase; stop; frisk.

Felt gun in bag.  
 Opened bag. Found gun and ammunition.

State Courts

No Reasonable Suspicion

Reasoning

Note 3 Problems