



Policing: Legal Aspects

Policing: Legal Environment

No one is above the law...not even the police.

Policing: Legal Environment

The U.S. Constitution was designed to protect against abuses of government (police) power.

Restraints on police behavior:

Changing Legal Climate

The U.S. Constitution, especially the Bill of Rights, is designed to protect citizens from abuses in police power.

Due Process is required by

THIS RIGHT IS GUARANTEED	BY THIS AMENDMENT
The right against unreasonable searches and seizures	Fourth
The right against arrest without probable cause	Fourth
The right against self-incrimination	Fifth
The right against “double jeopardy”	Fifth
The right to due process of the law	Fifth, Sixth, Fourteenth
The right to a speedy trial	Sixth
The right to a jury trial	Sixth
The right to know the charges	Sixth
The right to cross-examine witnesses	Sixth
The right to a lawyer	Sixth
The right to compel witnesses on one’s behalf	Sixth
The right to reasonable bail	Eighth
The right against excessive fines	Eighth
The right against cruel and unusual punishment	Eighth
The applicability of constitutional rights to all citizens, regardless of state law or procedure	Fourteenth

Changing Legal Climate: U.S. Supreme Court

- **Courts provide an area for dispute resolution between individuals and between citizens and government agencies.**
- **Courts also deal with issues involving *rights violations*, which have become the basis for dismissal of charges, acquittal of defendants, or release of convicted offenders upon appeal.**

Police and Due Process

Most due process requirements relevant to the police involve:

1. _____

2. _____

3. _____

Landmark Cases

- **Landmark cases** clarify the “rules of the game”—the procedural guidelines by which the police and the rest of the justice system must abide.
- **The Court addresses only real cases and does so on a _____**

Search and Seizure

Search and Seizure: The Fourth Amendment

The Fourth Amendment protects one's privacy from unreasonable searches and seizures.

The Exclusionary Rule

Weeks v. U.S. (1914) established the

- Illegally seized evidence _____
- This rule acts as _____
- The decision was only binding to _____

_____ extended the rule to the states.

- The _____ due process applies to local police, not just federal officers.

Search Incident to Arrest

Chimel v. U.S. (1969)

Clarified the scope of a search incident to an arrest.

Officers may search:

-
-

Officers can search for following reasons:

-
-
-

Plain View Doctrine

Harris v. U.S. (1968)

- **Objects..**

- **The Plain View Doctrine applies only to sightings by the police under legal circumstances.**

Plain View Doctrine

U.S. v. Irizarry (1982)
Arizona v. Hicks (1987)

- **Restricted the plain view doctrine**
 - **Officers cannot _____**

 - **Officers cannot _____**

Emergency Searches of Property

**Three threats provide justification
for _____
(searching during *exigent
circumstances*).**

1.

2.

3.

Emergency Searches

Warden v. Hayden (1967)

“4th Amendment does not require police to delay in the course of an investigation if to do so would gravely endanger their lives or the lives of others.”

FBI Guidelines for Conducting Emergency Warrantless Searches of Persons

All of the following conditions must apply.

- 1. Probable cause to believe that evidence was concealed on the person searched.**
- 2. Probable cause to believe an emergency threat of destruction of evidence existed.**
- 3. No prior opportunity to obtain a warrant authorizing the search.**
- 4. The action was no greater than necessary to eliminate the threat of destruction of evidence.**

Vehicle Searches

If probable cause exists or if permission is granted, warrantless vehicle searches can extend to any area of the vehicle, including:

- **the trunk**
- **the glove compartment**
- **sealed containers within the vehicle**