CHAPTER 5

Searches and Arrests without Warrants
Chapter Agenda

• Summarize the issues involved in warrantless searches and seizures.
• Explain the search incident to arrest doctrine.

continued on next slide
Chapter Agenda

• Identify three types of exigent circumstances and how they operate as exceptions to the warrant requirement.
• Summarize the special issues involved in automobile searches.

continued on next slide
Chapter Agenda

• Summarize the plain-view doctrine.
• Describe the situations in which warrantless arrests may be made.
• Describe consent searches and the issues associated with them.
Learning Objective

Summarize the issues involved in warrantless searches and seizures.
Issues with Seizing Evidence

- Seizures of property and persons
- Reasonable suspicion vs. probable cause
Warrantless Searches

- Four types that require probable cause
  - Searches incident to arrest
  - Searches in the presence of exigent circumstances
  - Searches involving automobiles
  - Searches based on the "plain view" doctrine
Learning Objective

Explain the Search Incident to Arrest Doctrine.
Search Incident to Arrest

- Police officers are permitted to engage in a search of a suspect incident to arrest.
  - *Chimel v. California*
Search Incident to Arrest

- Limitations
  - The person arrested and any containers discovered from that search
  - The arrestee's immediate grabbing area
The U.S. Supreme Court’s Reasoning behind the Search Incident to Arrest Doctrine:

“It is scarcely open to doubt that the danger to an officer is far greater in the case of the extended exposure which follows the taking of a suspect into custody and transporting him to the police station than in the case of the relatively fleeting contact resulting from the typical Terry-stop.”

“A police officer’s determination as to how and where to search the person of a suspect whom he has arrested is necessarily a quick ad hoc judgment which the Fourth Amendment does not require to be broken down in each instance into an analysis of each step in the search.”
Learning Objective

Identify three types of exigent circumstances and how they operate as exceptions to the warrant requirement.
Warrantless Arrest

• Exigent circumstances
  ▪ Hot pursuit
  ▪ Danger to officers
  ▪ Danger to third parties
  ▪ Escape
  ▪ Destruction of evidence

continued on next slide
Warrantless Arrest

• Hot pursuit
  ▪ Probable cause
  ▪ Reason to believe the suspect will escape or cause harm if not apprehended

continued on next slide
Warrantless Arrest

- Hot pursuit
  - Must begin hot pursuit from lawful starting point
  - Only serious offenses
  - Broad scope
Learning Objective

Summarize the special issues involved in automobile searches.
Automobile Searches

- *Carroll v. United States*

continued on next slide
Automobile Searches

• In order for it to be constitutional, it must be:
  ▪ Directed at a vehicle ready to serve a transportation function.
  ▪ Premised on probable cause to believe the vehicle contains evidence of a crime.
  ▪ Completed without unnecessary delay.
**FIGURE 5-4** Factors in Determining Whether a Vehicle Serves a Transportation Function.

Factors in Determining Whether a Vehicle Serves a Transportation Function

- Whether it is mobile or stationary
- Whether it is licensed
- Whether it is connected to utilities
- Whether it has convenient road access
Learning Objective

Summarize the Plain View Doctrine.
Plain View Doctrine

- Immediate apparent that object is subject to seizure
- *Coolidge v. New Hampshire*
  - Lawful access to evidence

continued on next slide
Plain View Doctrine

• Expansion
  ▪ Plain feel
  ▪ Plain smell
Learning Objective

Describe the situations in which warrantless arrests may be made.
Warrantless Arrest

- Arrest in public places
- Arrests for minor offenses
Learning Objective

Describe consent searches and the issues associated with them.
Consent Searches

• No justification is required if person consents to search.

continued on next slide
Consent Searches

• Categories
  ▪ Voluntary consent
  ▪ Third-party individual
  ▪ Scope of consent