

Chapter 15

Stops and Warrantless Searches

15.1	General Approach	15-2
	A. Five Basic Steps	
	B. Authority to Act without Warrant	
	C. Effect of Constitutional and State Law Violations	
15.2	Did the Officer Seize the Defendant?	15-4
	A. Consensual Encounters	
	B. Actions During Pursuit	
	C. Race-Based “Consensual” Encounters	
	D. Selected Actions before Seizure Occurs	
15.3	Did the Officer Have Grounds for the Seizure?	15-8
	A. Reasonable Suspicion	
	B. High Crime or Drug Areas	
	C. Proximity to Crime Scenes or Crime Suspects	
	D. Flight	
	E. Traffic Stops	
	F. Anonymous Tips	
	G. Information from Other Officers	
	H. Pretext	
	I. Motor Vehicle Checkpoints	
	J. Mistaken Belief by Officer	
	K. Race-Based Stops	
	L. Limits on Officer’s Territorial Jurisdiction	
	M. Community Caretaking	
15.4	Did the Officer Act within the Scope of the Seizure?	15-23
	A. Frisks for Weapons	
	B. Vehicles	
	C. Plain View	
	D. “Plain Feel” and Frisks for Evidence	
	E. Nature, Length, and Purpose of Detention	
	F. Drug Dogs	
	G. Does <i>Miranda</i> Apply?	
	H. Field Sobriety Tests	
	I. Defendant’s Name	
	J. VIN Checks	

15.5 Did the Officer Have Grounds to Arrest or Search?	15-32
A. Probable Cause	
B. Circumstances Requiring Arrest Warrant and Other Limits on Arrest Authority	
C. Circumstances Requiring Search Warrant	
D. Consent	
15.6 Did the Officer Act within the Scope of the Arrest or Search?	15-35
A. Questioning Following Arrest	
B. Search Incident to Arrest	
C. Other Limits on Searches Incident to Arrest	
D. Probable Cause to Search Person	
E. Probable Cause to Search Vehicle	
F. Inventory Search	
Appendix 15-1: Stops and Warrantless Searches: Five Basic Steps	15-42
