

## 2.1 Scope of Chapter

This chapter explains how a person's race (as well as proxies for race, such as the geographic area where a person lives) may affect initial encounters with police. The focus of this chapter is on race-based challenges to police action based on the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution, the prohibition against unreasonable searches and seizures in the Fourth Amendment to the U.S. Constitution, and parallel provisions in the N.C. Constitution. The focus of the chapter is on warrantless police encounters, by consent or seizure, which for many people are the initial point of contact with the criminal justice system. Race may play a role in other aspects of police encounters not addressed in this chapter.

Most of this chapter is organized according to the type of encounter between law enforcement officers and individuals, such as traffic stops or arrests. However, for several reasons the chapter begins with a discussion of the law on equal protection challenges to selective enforcement. First, claims based on the Equal Protection Clause may be raised in response to all encounters covered in this chapter; readers may therefore find it useful to have a basic understanding of equal protection claims before examining issues unique to particular police encounters. Second, criminal defense attorneys tend to be more familiar with Fourth Amendment claims and less familiar with equal protection claims, the development of which has occurred largely in the civil context. Where appropriate, equal protection principles articulated in the civil context have been incorporated into this section.

This chapter does not repeat all of the applicable Fourth Amendment principles. For this reason, the discussion should be read in conjunction with Chapter 15 of Volume 1 of the North Carolina Defender Manual, which lays out the law on warrantless seizures and searches in greater detail; Chapter 14 of the same manual, which contains guidance on making motions to suppress evidence; and other reference sources on search and seizure law.