

Table of Contents

CHAPTER 1. INTRODUCTION

- § 1:1 How to use this book
- § 1:2 Warrants
- § 1:3 Warrantless search and seizure
- § 1:4 Search
- § 1:5 Seizure
- § 1:6 Government conduct
- § 1:7 Exclusionary rule
- § 1:8 Standing
- § 1:9 Checklist

CHAPTER 2. AUTOMOBILE EXCEPTION TO THE WARRANT REQUIREMENT

- § 2:1 General rule
- § 2:2 History of exception
- § 2:3 Exception and its scope
- § 2:4 Vehicles covered by exception
- § 2:5 Probable cause requirement
- § 2:6 Containers found in vehicle
- § 2:7 Checklist

CHAPTER 3. CONSENT

- § 3:1 General rule
- § 3:2 Introduction
- § 3:3 General rule with examples
- § 3:4 Authority to consent
- § 3:5 Apparent authority to consent
- § 3:6 Scope of search
- § 3:7 Withdrawing consent
- § 3:8 Pretextual stops, illegal detention, and police misconduct
- § 3:9 Checklist

CHAPTER 4. SEARCH INCIDENT TO ARREST

- § 4:1 General rule
- § 4:2 Introduction
- § 4:3 History of rule
- § 4:4 “Passenger compartment” and scope of search

§ 4:5 Checklist

CHAPTER 5. INVESTIGATORY SEARCHES AND SEIZURES

- § 5:1 General rule
- § 5:2 Introduction
- § 5:3 Vehicle stops
- § 5:4 Attributes of the stop
- § 5:5 —Ordering occupants out of vehicle and conducting
patdown searches
- § 5:6 —Use of force during stop
- § 5:7 —Length of detention
- § 5:8 Investigatory searches
- § 5:9 Areas of a vehicle visible to the public
- § 5:10 Vehicle identification numbers
- § 5:11 Checklist

CHAPTER 6. PLAIN VIEW DOCTRINE

- § 6:1 General rule
- § 6:2 Introduction; distinction between “open view” and “plain
view”
- § 6:3 Requirements of plain view
- § 6:4 Analogous doctrines: plain smell, plain hearing, and
plain touch
- § 6:5 Checklist

CHAPTER 7. INVENTORY SEARCHES

- § 7:1 General rule
- § 7:2 History of exception
- § 7:3 Inventory search policy
- § 7:4 Impoundment of vehicle
- § 7:5 Scope of search and containers found during inventory
- § 7:6 Checklist

CHAPTER 8. EXIGENT CIRCUMSTANCES

- § 8:1 General rule
- § 8:2 Introduction
- § 8:3 Exigent circumstances and vehicles
- § 8:4 Checklist

CHAPTER 9. DOMESTIC ROADBLOCKS AND CHECKPOINTS

- § 9:1 General rule
- § 9:2 Introduction; checkpoints v. random stops
- § 9:3 Types of checkpoints

TABLE OF CONTENTS

§ 9:4 Checklist

CHAPTER 10. ADMINISTRATIVE SEARCHES

- § 10:1 General rule
- § 10:2 Introduction
- § 10:3 Closely regulated industries
- § 10:4 Checklist

CHAPTER 11. BORDER SEARCHES AND RELATED TOPICS

- § 11:1 General rule
- § 11:2 Introduction
- § 11:3 Border searches; checkpoints; roving patrols
- § 11:4 —Border searches
- § 11:5 —Functional equivalents of the border
- § 11:6 —Extended border searches
- § 11:7 —Checkpoints removed from the border
- § 11:8 —Roving patrols
- § 11:9 Watercraft stops and searches
- § 11:10 —Documentation and safety inspections; investigatory searches
- § 11:11 —Border searches
- § 11:12 —Searches of foreign flag vessels on the high seas
- § 11:13 Searches on foreign soil
- § 11:14 Checklist

CHAPTER 12. SEARCHES WITH WARRANT

- § 12:1 General rule
- § 12:2 Introduction
- § 12:3 Probable cause requirement
- § 12:4 Technical requirements
- § 12:5 Description of vehicle
- § 12:6 Objects for seizure named in warrant
- § 12:7 Execution of warrant
- § 12:8 Checklist

CHAPTER 13. MISCELLANEOUS VEHICLE SEARCH PROBLEMS

- § 13:1 General rules
- § 13:2 Introduction
- § 13:3 Abandoned vehicles
- § 13:4 Dog sniffs
- § 13:5 Electronic surveillance and tracking beepers

- § 13:6 Other vehicle searches: parolees/probationers and
government employees
- § 13:7 Checklist

CHAPTER 14. EXCEPTIONS TO THE EXCLUSIONARY RULE

- § 14:1 General rule
- § 14:2 Introduction; taints and poisonous fruits
- § 14:3 Inevitable discovery
- § 14:4 Independent source doctrine
- § 14:5 Good faith
- § 14:6 Checklist

Table of Laws and Rules

Table of Cases

Index