

Criminal Justice: An Overview of the System

Module 4: Law Enforcement

Section 4.5: Legal Environment Of Policing

1983 Suit: A type of lawsuit originating under Section 1983 of Title 42 of the United States Code that allows people to sue government employees for violating their constitutional rights.

Affidavit: A written or printed statement made under oath.

Arrest Warrant: A written order, issued by a judge, commanding any law enforcement officer within the court's jurisdiction to take the named person into custody and bring them before the court.

Automobile Search: A type of search that requires probable cause as specified by the Fourth Amendment, but is exempt from the general warrant requirement of the Fourth Amendment.

***Brown v. Mississippi (1936)*:** Prohibited the use of torture as a means of obtaining confessions by the police.

Consent Search: A type of police search that relies on the knowing and voluntary waiver of the Fourth Amendment rights of the person being searched.

***Escobedo v. Illinois (1964)*:** A ruling by the SCOTUS that criminal suspects have the right to have a lawyer present at police interrogations.

Exigent Circumstances Exception: An exception to certain procedural protections based in the idea that the public safety comes ahead of individual liberties.

Fleeing Felon Rule: Common law rule that police could use deadly force to stop a person known to be a felon from getting away.

Hot Pursuit Search: A warrantless but lawful search of premises for a person actively evading a police pursuit.

Inevitable Discovery Exception: An exception to the exclusionary rule that allows illegally obtained evidence to be used in court if it would have been found legally anyway.

Knock and Announce: A common law rule incorporated into the Fourth Amendment that requires officers to knock and announce their identity as police officers before entering a person's home to serve a search warrant.

Mere Hunch: An intuitive feeling that a suspect is engaging in criminal activity, but no specific evidence can be articulated.

New York v. Quarles (1984): A landmark SCOTUS decision in which the Court established a public safety exception to the Miranda warnings.

Nix v. Williams (1984): A landmark SCOTUS decision in which the Court established an "inevitable discovery exception" to the exclusionary rule.

No-knock Warrant: A special type of warrant that waives the knock and announce requirement.

Open Fields Doctrine: A legal doctrine holding that a warrantless search outside the curtilage of the home is not a violation of the property owner's Fourth Amendment rights.

Particularity Requirement: A Fourth Amendment principle that requires officers to clearly and precisely describe the place to be searched and the things to be seized in order for a search warrant application to be approved by a magistrate.

Plain View Doctrine: An exception to the search warrant requirement that allows an officer to seize contraband when the contraband is seen from a place where the officer has a lawful right to be.

Police Brutality: The use of force by police in excess of what is reasonably necessary to accomplish a legitimate criminal justice purpose.

Primary Aggressor: The most significant contributor to the violence in a domestic violence situation.

Public Safety Exception: An exception to the Miranda warning requirements in situations where the public safety demands the police ask questions immediately, such as the location of a dangerous weapon that may cause harm to someone.

Reasonable Person Test: A test of reasonableness based on how a typical person, with ordinary prudence, would act in certain circumstances.

Reasonable Suspicion: An evidentiary standard falling between a mere hunch and probable cause.

Remedy: Court enforcement of some right.

Right to Remain Silent: Comes from the Fifth Amendment's protection from compelled self-incrimination.

Rules of Criminal Procedure: Rules promulgated by the SCOTUS that govern how federal criminal prosecutions are conducted.

Sixth Amendment: A Constitutional Amendment that contains several clauses dealing with the rights of accused persons.

Stop and Frisk: A "pat down" search of a person for weapons; only lawful if the officer has reasonable suspicion to believe the suspect is armed.

Tennessee v. Garner (1985): A landmark SCOTUS decision where the Court invalidated a Tennessee statute that codified the fleeing felon rule.

Terry Stop: A "pat down" search of a person for weapons; only lawful if the officer has reasonable suspicion to believe the suspect is armed.

U.S. v. Leon (1984): A landmark SCOTUS decision in which the Court created the "good faith" exception to the exclusionary rule.

Weeks v. U.S. (1914): A landmark SCOTUS decision that established the exclusionary rule in federal courts.