

Understanding Criminal Procedure

VOLUME 1: INVESTIGATION

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VOLUME 1: INVESTIGATION

EIGHTH EDITION

Joshua Dressler

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To the Girls in My Life: Lucy Belle and Maya Shoshana

✧

To Noah's Wonderful Caretakers: Izzy, Gabby, Sophie, Pam and Gus

— J.D.

To Barbara and Roger Michaels: Thank you, for everything

— A.C.M.

To My Family

— R.S.

Contents

Preface	xxix
Chapter 1 · Introduction to Criminal Procedure	3
§ 1.01 The Relationship of “Criminal Law” to “Criminal Procedure”	3
§ 1.02 Sources of Procedural Law	4
[A] Formal Sources	4
[B] Informal Sources: A Taste of Reality	6
§ 1.03 Stages of a Criminal Prosecution	7
[A] In General	7
[B] Investigatory Stage	8
[1] Search and Seizure	8
[2] Interrogation	8
[3] Identification Procedures	8
[4] Arrest	9
[C] Adjudicatory Stage	9
[1] Issuance of a Complaint	9
[2] Probable Cause (<i>Gerstein</i>) Hearing	9
[3] First Appearance before the Magistrate	10
[4] Preliminary Hearings and Grand Jury Proceedings	10
[5] Arraignment	12
[6] Pretrial Motions	12
[7] Trial	12
[8] Sentencing and Post-Trial Proceedings	13
[a] Sentencing	13
[b] Appeal	13
[c] Collateral Attack of a Conviction: Habeas Corpus	14
§ 1.04 Studying Constitutional Law Cases	15
[A] Read Concurring and Dissenting Opinions	15
[B] Learn Case Names	16
[C] Count Votes	16
[D] Learn the Views of Individual Justices	17
[E] Be Sensitive to Supreme Court History	18
Chapter 2 · Overarching Policy Issues in Criminal Procedure	23
§ 2.01 Norms of the Criminal Process	23
§ 2.02 Alternative Models of Criminal Justice	24

[A] Overview	24
[B] Crime Control Model of Criminal Justice	26
[C] Due Process Model of Criminal Justice	26
§ 2.03 The Role of “Truth” in the Criminal Justice System	28
§ 2.04 Accusatorial versus Inquisitorial Systems of Justice	31
§ 2.05 Race, Gender, and Economic Class in the Law	33
§ 2.06 Who Should Devise the Rules of Criminal Procedure?	35
§ 2.07 Formulating the Rules of Criminal Procedure: Some Overarching Controversies	36
[A] Bright-Line Rules versus Case-by-Case Adjudication	36
[B] Subjectivity versus Objectivity: Rule-Making to Avoid Pretextual Conduct	39
Chapter 3 · Incorporation of the Bill of Rights	43
§ 3.01 Incorporation: Overview	43
[A] Nature of the Issue	43
[B] Importance of the Debate	44
§ 3.02 Incorporation Theories	45
[A] Full Incorporation	45
[B] Fundamental Rights	45
[C] Full-Incorporation-Plus	46
[D] Selective Incorporation	46
§ 3.03 The Incorporation Debate	47
[A] Overview of the Debate	47
[B] What Did the Framers Intend?	47
[C] Textual Claims: What Does “Due Process” Mean?	48
[D] Which Doctrine Is More Libertarian?	48
[E] Which Theory Is Structurally Preferable?	49
§ 3.04 Which Theory Has “Won” the Debate?	49
Chapter 4 · Fourth Amendment: Overview	51
§ 4.01 A Warning before Beginning the Fourth Amendment Journey	51
§ 4.02 The Text and Some (Hopefully) Useful Initial Observations	52
§ 4.03 What Does the Fourth Amendment Seek to Protect? An Overview	53
[A] The Supreme Court’s View	53
[B] The Reflections of Some Scholars	56
§ 4.04 Some Things to Know at the Outset	57
[A] Standing to Raise Fourth Amendment Claims	57
[B] Exclusionary Rule	57
[C] Pretrial Nature of Fourth Amendment Issues	58
[D] “Private” Searches and Seizures	59
[E] The “Silver Platter” Doctrine	59
[F] Who Are “the People” Protected by the Fourth Amendment?	60
§ 4.05 Fourth Amendment Checklist	62

Chapter 5 · Fourth Amendment: “Persons, Houses, Papers, and Effects”	65
§ 5.01 Significance of the Constitutional Phrase	65
§ 5.02 “Persons”	65
§ 5.03 “Houses”	66
§ 5.04 “Papers and Effects”	67
Chapter 6 · Fourth Amendment Terminology: “Search”	69
§ 6.01 Why “Search” Law Matters	69
[A] Constitutional Significance of the Term “Search”	69
[B] An Important Question for Further Consideration	70
§ 6.02 “Search”: Original “Trespass” Analysis	70
§ 6.03 “Search”: <i>Katz v. United States</i> and the “Privacy” Analysis	72
[A] An Overview	72
[B] Majority Opinion: In Search of a New Test	72
[C] Concurring Opinion: A New “Search” Test	73
[D] Analysis and Critique of the <i>Katz</i> Test	74
[1] Overview	74
[2] Should We Have the Subjective Prong?	75
[3] The Objective Prong: What <i>Precisely</i> Is the Standard?	76
[E] <i>Jones</i> and the Resurrection of the “Trespass” Test	79
§ 6.04 Post- <i>Katz</i> “Search” Jurisprudence: An Overview	81
[A] What Has <i>Katz</i> Wrought?	81
[1] Subjective Prong	82
[2] Objective Prong	83
[B] Lurking Issues	84
§ 6.05 Surveillance of Conversations by “False Friends”	85
[A] “False Friends” versus <i>Katz</i>	85
[B] False Friends	85
§ 6.06 Open Fields	87
[A] Rule and Rationale	87
[B] “Open Field” versus “Curtilage”	89
[C] Criticism of the Open-Fields Doctrine	90
§ 6.07 Aerial Surveillance	91
[A] Rule	91
[B] Surveillance by Airplanes	92
[C] Surveillance by Helicopters	93
§ 6.08 Inspection of Garbage	95
§ 6.09 Use of Dogs and Other “Binary” Investigative Techniques to Discover Contraband	96
[A] In General	96
[B] Dog-Sniffs	97
[C] Beyond Dogs	100
§ 6.10 Technological Information Gathering	101
[A] In General	101

[B] Pen Registers, Metadata, and the Third Party Doctrine	106
[C] Electronic Tracking Devices: The “Beeper Cases”	109
[D] Massive Data Collection and the Mosaic Theory	110
[E] Computers and Electronic Transmissions	113
Chapter 7 · Fourth Amendment Terminology: “Seizure”	117
§ 7.01 Constitutional Significance of the Term “Seizure”	117
§ 7.02 Seizure of Property	117
[A] General Rule	117
[B] Special Issue: Installation of Electronic Devices on or in Personal Property	118
§ 7.03 Seizure of Persons	119
[A] Overview	119
[B] The <i>Terry</i> Definition	120
[C] The <i>Mendenhall</i> “Reasonable Person” Test	120
[1] In General	120
[2] Some Applications of the Test	121
[a] Seizure by Questioning?	121
[b] Factory Sweeps	123
[c] Bus Sweeps	124
[3] An Issue of Importance: The Nature of the “Reasonable Person”	125
[D] Embellishment on the <i>Terry-Mendenhall</i> Test: The Submission-to-Authority Problem	127
Chapter 8 · Fourth Amendment: “Probable Cause”	131
§ 8.01 The Constitutional Role of “Probable Cause”	131
§ 8.02 Probable Cause: General Principles	132
[A] “Probable Cause”: Definition	132
[B] “Probable Cause”: Objective versus Subjective	132
[C] “Probable Cause”: Arrests versus Searches	133
[D] “Probable Cause”: With or Without Warrants	134
[E] “Probable Cause”: Search for and Seize What?	134
[F] Special Issue: “Probable Cause” and Pretextual Police Conduct	136
§ 8.03 Determining “Probable Cause”: Overview	137
[A] Types of Information: In General	137
[B] “Bald and Unilluminating” Assertions	138
[C] Direct Information	138
[D] Hearsay (“Informant”) Information	139
§ 8.04 The <i>Aguilar</i> Two-Pronged Test	140
[A] In General	140
[B] Basis-of-Knowledge Prong	141
[1] In General	141
[2] “Self-Verifying Detail”	141

[C] Veracity Prong	142
[D] Corroboration	143
§ 8.05 The <i>Gates</i> “Totality of the Circumstances” Test	144
[A] The Test Explained	144
[B] Criticism of <i>Gates</i>	145
§ 8.06 Probable Cause in “Administrative Searches”: The Reasonableness Standard and the <i>Camara</i> Principle	147
§ 8.07 How Probable Is “Probable Cause”?	149
[A] Governing Law	149
[B] Reflections on the Issue	150
[C] “Probable Cause” as a Sliding Scale?	152
[1] <i>Is</i> There a Sliding Scale?	152
[2] <i>Should</i> There Be a Sliding Scale?	154
Chapter 9 · Arrests	157
§ 9.01 “Arrest”: Overview	157
[A] Definition	157
[B] “Arrest” versus “Seizure”	157
§ 9.02 Arrests: Common Law and Statutory Arrest Rules	158
§ 9.03 Custodial Arrests for Minor Offenses	158
§ 9.04 Grounds for Arrest: “Stop and Identify” Statutes	161
§ 9.05 Arrest Warrants: Constitutional Law	162
[A] Overview	162
[1] General Rules	162
[2] How Arrest Warrant Issues Arise	162
[B] Arrest in a Public Place: The No-Warrant Rule	163
[C] Arrest in the Arrestee’s Home: The Warrant-Requirement Rule	164
[1] In General	164
[2] Scope of the Rule	165
[a] “Home” versus “Public Place”	165
[b] Exigencies Justifying Warrantless Entry	167
[i] Hot Pursuit	167
[ii] Other Exigencies	168
[D] Arrest in a Third Person’s Home	169
§ 9.06 Beyond Warrants: Executing an Arrest	170
[A] Arrests in the Home: When and How Entry of the Residence Is Permitted	170
[B] Force in Making an Arrest	170
§ 9.07 Beyond Warrants: Use of Force after Arrest	173
Chapter 10 · Search Warrants: In General	175
§ 10.01 The Constitutional Role of Search Warrants: The Debate	175
[A] Nature and Significance of the Debate	175
[B] The Substance of the Debate	177

[1] Historical Debate	177
[2] Policy Debate	179
[C] Who Has “Won” the Debate?	181
§ 10.02 The Warrant Application Process	183
§ 10.03 Search Warrant Requirements	184
[A] “Neutral and Detached Magistrate”	184
[B] “Oath or Affirmation”	185
[C] “Particularity”	186
[1] In General	186
[2] “Place to Be Searched”	186
[3] “Persons or Things to Be Seized”	187
§ 10.04 Execution of Search Warrants	188
[A] In Anticipation of Execution	188
[B] Time of Execution	189
[C] Means of Entry	189
[1] Knock-and-Announce Rule	189
[2] Exceptions to Rule	190
[3] After the Knock: What Then?	191
[D] Search of Persons While Executing a Warrant	192
[1] In Premises Open to the Public	192
[2] In Private Homes	193
[E] Detention of Persons during Searches	194
[F] Scope of the Search	196
Chapter 11 · Warrantless Searches: Exigent Circumstances	197
§ 11.01 Exigency Exception: Explained	197
§ 11.02 Intrusions Inside the Human Body	199
§ 11.03 External Searches of the Body	201
§ 11.04 Entry and Search of a Home	202
Chapter 12 · Searches Incident to Lawful Arrests	205
§ 12.01 Warrant Exception: In General	205
[A] Rule	205
[B] Rationale of the Warrant Exception	205
[C] Probable Cause	206
[1] For the Search	206
[2] For the Seizure of Evidence	207
§ 12.02 Warrant Exception: In Greater Detail	207
[A] The Arrest	207
[1] “Full Custodial”	207
[2] Lawfulness of the Arrest	209
[B] Contemporaneousness of the Search	209
[1] Area within Arrestee’s Immediate Control	209
[2] Closets and Other Spaces Adjoining the Place of Arrest	210

[3] Of the Person	210
[C] Scope of the Search	211
[1] Search of the Person	211
[2] Area within the Arrestee’s Immediate Control	212
[a] In General	212
[b] Automobiles	213
[3] Protective Searches for Dangerous Persons	213
[4] DNA Swabs: <i>Maryland v. King</i>	213
§ 12.03 <i>Chimel v. California</i> : Setting the Rule’s Contours	215
§ 12.04 <i>United States v. Robinson</i> : The Traffic Arrest Case	217
[A] The Holding	217
[B] <i>Robinson</i> versus <i>Chimel</i>	218
§ 12.05 Searches of Automobiles Incident to Arrest	220
[A] <i>New York v. Belton</i>	220
[B] The Change Comes: <i>Arizona v. Gant</i>	221
§ 12.06 <i>Riley v. California</i> : The Cell Phone Case	223
Chapter 13 · Searches of Cars and Containers Therein	227
§ 13.01 Automobile Search Warrant Exception: General Rules	227
[A] Important Overview	227
[B] Searches “At the Scene”	228
[C] Searches “Away from the Scene”	229
[D] Probable Cause Requirement	230
§ 13.02 Automobile Search Warrant Exception: The “Mobility” Rationale	230
[A] <i>Carroll v. United States</i> : True Mobility	230
[B] <i>Chambers v. Maroney</i> : A Controversial View of “Mobility”	231
[C] <i>Coolidge v. New Hampshire</i> : Departing from <i>Chambers</i>	233
§ 13.03 Automobile Search Warrant Exception: Lesser Privacy, a New Rationale	235
§ 13.04 <i>California v. Carney</i> : The Mobility and Lesser-Expectation- of-Privacy Rationales at Work	237
§ 13.05 Search of Containers Found in Cars	239
[A] Clarification of the Issue	239
[1] In General	239
[2] What Is a “Container”?	239
[B] General Rule	240
[C] Developing the Container Rules	240
[1] <i>United States v. Chadwick</i>	240
[2] <i>California v. Acevedo</i>	243
Chapter 14 · “Plain View” and Related Doctrines	245
§ 14.01 Plain View: General Principles	245
[A] Elements of the Doctrine	245
[B] Rationale of the Doctrine	245

§ 14.02 “Plain View”: Examining the Elements in Detail	246
[A] Element 1: Lawful Vantage Point	246
[B] Element 2: Right of Access to the Object	247
[C] Element 3: Right to Seize Is “Immediately Apparent”	248
§ 14.03 The Plain View Doctrine at Work: <i>Arizona v. Hicks</i>	248
§ 14.04 No “Inadvertent Discovery” Requirement	250
§ 14.05 Expanding on Plain View: Use of Other Senses	252
[A] “Plain Hearing” and “Plain Smell” Doctrines	252
[B] “Plain Touch” (or “Plain Feel”) Doctrine	252
Chapter 15 · Inventory Searches	255
§ 15.01 Automobile Inventories	255
[A] General Principles	255
[B] The Inventory Exception: In Detail	257
[1] Administrative Non-Pretextual Nature of the Search	257
[2] “Routine” Nature of the Inventory	258
[a] In General	258
[b] Nondiscretionary Inventories	259
[c] Discretionary Inventories	259
[3] Automobile Owner’s Wishes	260
[4] Scope of an Inventory	260
[a] Containers	260
[b] Locked Portions of the Automobile	261
[c] Inspection of Papers	261
§ 15.02 Arrest Inventories	262
Chapter 16 · Consent Searches	263
§ 16.01 Preliminary Observations: Pragmatism, the Police, and the Supreme Court	263
§ 16.02 Consent Searches: General Principles	265
[A] General Rule	265
[B] Rationale for the Rule	265
[1] Waiver?	265
[2] Consent = No Search?	266
[3] Reasonableness?	267
§ 16.03 Voluntary Consent	268
[A] Voluntariness: In General	268
[B] Claim of Authority by the Police	269
[C] Police Deception	270
[D] Awareness of Fourth Amendment Rights	271
§ 16.04 Scope of Search	273
§ 16.05 Third-Party Consent	274
§ 16.06 “Apparent Authority”	277

Chapter 17 · <i>Terry v. Ohio</i>: The “Reasonableness” Balancing Standard in Criminal Investigations	281
§ 17.01 <i>Terry v. Ohio</i> : An Overview to a Landmark Case	281
§ 17.02 <i>Terry v. Ohio</i> : The Opinion	283
[A] Majority Opinion	283
[B] Justice Harlan’s Concurring Opinion	288
§ 17.03 “Reasonable Suspicion”	289
[A] In General	289
[B] Types of Information	290
[1] Overview	290
[2] Hearsay: When It Is and Is Not Sufficient	291
[3] Drug-Courier Profiles	295
[4] Flight in “High-Crime Areas”	297
[5] Reflections on the Role of Race and Other Suspect Classifications in Determining “Reasonable Suspicion”	299
§ 17.04 Distinguishing a “ <i>Terry Stop</i> ” from an Arrest	302
[A] Overview to the Issue	302
[B] Length of the Detention	303
[C] Forcible Movement of the Suspect	304
[1] In General	304
[2] Special Problem: Removal from an Automobile after a Lawful Stop	304
[D] Existence of “Less Intrusive Means”	306
§ 17.05 Grounds for “ <i>Terry Stops</i> ”	307
[A] Crime Prevention versus Crime Detection	307
[B] Nature of the Offense	308
[C] Fingerprinting	308
§ 17.06 Weapons Searches: Of Persons	309
[A] Permissibility	309
[B] Method	309
[1] Pat-Down (Frisk)	309
[2] After the Pat-Down	310
§ 17.07 Extending <i>Terry</i> : Weapons Searches of Automobiles	311
§ 17.08 Extending <i>Terry</i> : Protective Sweeps of Residences	312
§ 17.09 Extending <i>Terry</i> : Temporary Seizures of Property	313
Chapter 18 · More “Reasonableness” Balancing: Searches and Seizures Primarily Conducted for Non-Criminal Law Purposes	315
§ 18.01 Overview	315
§ 18.02 Administrative Searches	316
§ 18.03 International Border Searches and Seizures	319
[A] At the Border	319
[B] Near the Border	320

[1] In General	320
[2] Roving Border Patrols	320
[3] Fixed Interior Checkpoints	321
§ 18.04 Automobile Inspections and Checkpoints	322
[A] Automobile License and Vehicle Registration Inspections	322
[B] Automobile Checkpoints	323
[1] Sobriety Checkpoints	323
[2] Anti-Drug, Anti-Crime, Anti-Terrorism (and Still Other) Checkpoints	326
§ 18.05 “Special Needs” Searches and Seizures	330
[A] In General	330
[B] Searches of Persons, Personal Property, and Premises	331
[1] Searches Directed at Public School Students	331
[2] Searches Directed at Public Employees	333
[3] Searches Directed at Probationers	334
[C] Drug and Alcohol Testing	335
[1] Fourth Amendment Factors in Evaluating Testing	335
[2] Approved Testing	336
[a] Public Employees	336
[b] Public School Students	338
[3] Disapproved Testing	340
Chapter 19 · Fourth Amendment: Standing	345
§ 19.01 The Role of “Standing” in Fourth Amendment Law	345
[A] In General	345
[B] Is “Standing” a Separate Concept?	346
§ 19.02 Rationale of the Standing Requirement	347
§ 19.03 The Law of Standing: Pre- <i>Rakas v. Illinois</i>	349
[A] In General	349
[B] Automatic Standing	350
§ 19.04 Standing to Contest a Search: <i>Rakas v. Illinois</i>	352
[A] The New Approach	352
[B] The Impact of <i>Rakas</i> : A Closer Look	354
[1] Search of Another Person’s Residence	355
[a] When the Owner or Lessor Is Absent	355
[b] When the Owner or Lessor Is Present	355
[2] Search of One’s Own Automobile When Absent	357
[3] Search of Another Person’s Automobile	358
[a] When the Owner Is Absent	358
[b] When the Owner Is Present	359
[4] Contesting a Search Resulting in the Seizure of One’s Own Property	360
§ 19.05 Standing to Contest a Seizure: Post- <i>Rakas</i>	362

Chapter 20 · Fourth Amendment: Exclusionary Rule	365
§ 20.01 Historical Development of the Fourth Amendment	
Exclusionary Rule	365
[A] Rights versus Remedies	365
[B] Federal Exclusionary Rule: <i>Weeks v. United States</i>	366
[C] Exclusionary Rule for the States?	366
[1] Step 1: <i>Rochin v. California</i> and Its Progeny	366
[2] Step 2: <i>Mapp v. Ohio</i>	367
§ 20.02 Rationale of the Exclusionary Rule	368
§ 20.03 Is the Exclusionary Rule Constitutionally Required?	370
§ 20.04 Exclusionary Rule: Should It Be Abolished?	372
[A] Political and Historical Overview	372
[B] Is There Historical Foundation for the Exclusionary Rule?	373
[C] Does the Exclusionary Rule Deter Constitutional Violations?	374
[D] Is the Rule (Even If It Deters) Worth Its Cost?	377
[1] Should This Question Even Be Asked?	377
[2] The “Costs”	378
[a] The Rule Protects the Wrong People	378
[b] The Rule Promotes Cynicism	380
[c] The Rule Results in Disproportionate Punishment	381
[E] Are There Better Remedies?	382
§ 20.05 When the Exclusionary Rule Does Not Apply: In General	383
[A] Non-Criminal Proceedings	384
[1] In General	384
[2] Habeas Corpus	384
[B] Criminal Proceedings	385
[1] Non-Trial Proceedings	385
[2] At a Criminal Trial	385
[a] Impeachment Exception	385
[b] Knock-and-Announce Exception	386
§ 20.06 When the Exclusionary Rule Does Not Apply: The Police	
Culpability Factor	389
[A] Historical Overview	389
[B] The Culpability Approach in Its Infancy: <i>United States v. Leon</i>	389
[1] The “Good Faith” Rule	389
[2] “Good Faith”: What Does This Mean?	390
[3] When “Good Faith” Does Not Exist	391
[a] In General	391
[b] Improperly Executed Warrants	392
[4] Why the Exception?: The Reasoning of <i>Leon</i>	392
[C] Warrantless Searches: Moving beyond <i>Leon</i>	394
[1] Warrantless Searches Authorized by Statute	394
[2] Computer Databases	394

[a] Reliance on Court-Managed Databases	394
[b] Reliance on Police-Managed Databases	395
[3] Reliance on Binding Precedent	398
§ 20.07 “Fruit of the Poisonous Tree” Doctrine	400
[A] Warning: <i>Hudson v. Michigan</i>	400
[B] Conceptual Overview	400
[1] General Principles	400
[2] Identifying the Poisonous Tree	401
[C] Independent Source Doctrine	401
[D] Inevitable Discovery Rule	405
[E] Attenuated Connection Principle (The <i>Wong Sun</i> Rule)	406
[1] Overview	406
[2] Attenuation Factors: The “Protected Interest” Limitation	407
[3] Other Attenuation Factors	408
[a] Temporal Proximity	408
[b] Intervening Events	408
[i] In General	408
[ii] Intervening Act of Free Will	408
[iii] Valid Arrest Warrant	409
[c] Flagrancy of the Violation	410
[d] Nature of the Derivative Evidence	410
Chapter 21 · Interrogation Law: Overview	413
§ 21.01 Reflections on Modern Interrogation Law	413
§ 21.02 Police Interrogation Techniques: Historically and at Present	414
§ 21.03 Interrogation Law: Constitutional Issues	416
[A] Was the Confession Obtained Involuntarily (or by Coercion)?	416
[1] Due Process Clause	416
[2] Fifth Amendment Compulsory Self-Incrimination Clause	417
[B] Was the Confession Obtained in Violation of <i>Miranda v. Arizona</i> ?	417
[C] Was the Defendant Entitled to Counsel?	418
[1] Sixth Amendment Right to Counsel	418
[2] “ <i>Miranda</i> ” Right to Counsel	418
§ 21.04 Interrogation Law: An Overview to the Policy Debate	419
[A] Societal Ambivalence Regarding Confessions	419
[1] Why the Public Favors Confessions	419
[2] Why the Public Is Concerned about Confessions	420
[B] Has the Law Gone Far Enough — or Too Far — in Controlling Confessions?	420
[C] Questions to Think About	422
Chapter 22 · Interrogation Law: Due Process Clause	425
§ 22.01 Historical Development	425
[A] Common Law	425

[B] Constitutional Law	426
§ 22.02 Due Process Clause: The Voluntariness Requirement	427
[A] General Principles	427
[1] Rule	427
[2] Rationale of the Voluntariness Requirement	428
[B] The Voluntariness Requirement in Greater Detail	429
[1] Critical Overview	429
[2] Some Reflections on the Use of Torture in Modern America	431
[3] “Voluntariness”: Factors	433
[a] Actual or Threatened Use of Physical Force	433
[b] Psychological Pressures	434
[c] Promises of Leniency and Threats of Harsh Legal Treatment	435
[d] Deception	436
§ 22.03 Due Process Clause: Remedies for Violation of the Right	437
[A] Requirement of State Action (Official Overreaching)	437
[B] Standing to Raise an Involuntary Confession Claim	438
[C] Exclusionary Rule	439
[1] Constitutional Basis of the Exclusionary Rule	439
[2] Scope of the Exclusionary Rule	439
[a] Impeachment	439
[b] Fruit-of-the-Poisonous-Tree Doctrine	439
[3] Wrongful Admission of Statement at Trial	440
Chapter 23 · Interrogation Law: Privilege against Compelled Self-Incrimination	441
§ 23.01 Fifth Amendment Self-Incrimination Clause: Overview	441
§ 23.02 The Origins of the Privilege against Self-Incrimination	442
§ 23.03 Is the Privilege a Good Idea? The Controversy	444
[A] In General	444
[B] The Modern Debate	446
[1] The “Cruel Trilemma” Thesis	446
[2] Compelled Self-Accusation as a Moral Wrong	446
[3] The Privilege as a Critical Component of the Adversary System	448
[4] Protection of the Innocent	449
§ 23.04 The Fifth Amendment Privilege: The Elements	450
[A] “No Person”	451
[B] “Shall Be <i>Compelled</i> ”	451
[C] “In Any Criminal Case”	453
[D] “To Be a Witness against Himself”	453
[1] What Makes a Person a “Witness”	453
[a] “Testimonial or Communicative” Evidence: The Rule	453
[b] Application of the Rule	454
[c] A Closer Look at the Rule: <i>Pennsylvania v. Muniz</i>	455
[2] Seriousness of the Threat of Incrimination	456

§ 23.05 Privilege against Self-Incrimination in the Police	
Interrogation Context	458
[A] General Principles	458
[1] Original, Bright-Line Approach	458
[2] Modern Totality-of-Circumstances Test: Two Constitutional Provisions (and Standards) Become One	459
[B] Remedies for Violation of the Fifth Amendment Privilege	461
[1] Requirement of State Action	461
[2] Standing to Raise Claim	461
[3] Exclusionary Rule	461
[a] Constitutional Basis of the Exclusionary Rule	461
[b] Scope of the Exclusionary Rule	462
[i] Impeachment	462
[ii] Fruit-of-the-Poisonous-Tree Doctrine	462
Chapter 24 · Interrogation Law: <i>Miranda v. Arizona</i>	465
§ 24.01 <i>Miranda</i> : A Brief Overview and Some Reflections	465
§ 24.02 <i>Miranda</i> : Placing the Case in Historical Context	466
§ 24.03 The Road to <i>Miranda</i> : <i>Escobedo v. Illinois</i>	468
§ 24.04 <i>Miranda</i> : The Case	470
[A] The Facts	470
[B] The Holding	470
[1] What Rights Does a Suspect Have in the Interrogation Room?	471
[a] Self-Incrimination	471
[b] Right to Counsel	471
[2] Procedural Safeguards: The “ <i>Miranda</i> Warnings”	472
[3] Waiver of a Suspect’s “ <i>Miranda</i> Rights”	472
[a] In General	472
[b] Voluntariness of the Waiver	473
[c] Intelligence of the Waiver	473
[4] Enforcing the Rights	473
[a] Privilege against Self-Incrimination	473
[b] Right to Counsel	473
[C] Reasoning of the Court	474
[1] Custodial Interrogation as “Compulsion”	474
[2] The Limited Importance of Confessions in Law Enforcement	475
[3] Fifth Amendment Values and the Importance of the Adversarial System	475
§ 24.05 Criticisms of <i>Miranda</i>	476
[A] “ <i>Miranda</i> Did Not Go Far Enough”	476
[B] “ <i>Miranda</i> Went Too Far”	477
[1] “ <i>Miranda</i> Lacks Historical and Textual Support”	477
[2] “The Rule Is Unnecessary and Irrational”	478
[3] “ <i>Miranda</i> Is Anti-Confession and Pro-Fox Hunt”	479

[4] “ <i>Miranda</i> Is Injurious to Law Enforcement”	480
§ 24.06 Is <i>Miranda</i> a Constitutionally Based Decision?	482
[A] Act 1: Congress and <i>Miranda</i>	482
[B] Act 2: <i>Miranda</i> as a “Prophylactic Rule”	483
[C] Act 3: <i>Miranda</i> Is (Sort of) Re-Constitutionalized	485
[1] <i>Dickerson v. United States</i>	485
[2] <i>Dickerson</i> ’s Significance	486
§ 24.07 Meaning of <i>Miranda</i> : “Custody”	487
[A] General Principles	487
[B] Commonly Asked “Custody” Questions	490
[1] Does “Focus” Equal “Custody”?	490
[2] Does <i>Miranda</i> Apply Outside the Police Station?	490
[3] Does <i>Miranda</i> Apply to Minor Offenses?	491
[4] Does <i>Miranda</i> Apply to a “ <i>Terry</i> Stop”?	492
[5] Are <i>Miranda</i> Warnings Required in All “Coercive Environments”?	492
§ 24.08 Meaning of <i>Miranda</i> : “Interrogation”	493
[A] In General	493
[1] Rule	493
[2] A Closer Look at the Rule	493
[B] When Is an Interrogation Not a <i>Miranda</i> “Interrogation”?	495
§ 24.09 Adequacy of <i>Miranda</i> Warnings	495
§ 24.10 Waiver of <i>Miranda</i> Rights	497
[A] In General	497
[1] Overview	497
[2] Types of Waiver: Express versus Implied	497
[3] Elements of a Valid Waiver	498
[a] Generally	498
[b] Voluntariness of the Waiver	498
[c] Knowing and Intelligent Waiver	499
[4] <i>Moran v. Burbine</i> : Waiver in the Post- <i>Miranda</i> Era (Part 1)	500
[5] <i>Berghuis v. Thompkins</i> : Waiver in the Post- <i>Miranda</i> Era (Part 2)	502
[B] Waiver Law: If a Suspect Invokes His Rights	503
[1] Overview	503
[2] Right to Remain Silent	504
[3] Right to Counsel	504
[a] The <i>Edwards v. Arizona</i> Rule	504
[b] When the <i>Edwards</i> Rule Does Not Apply	506
[i] Ambiguous Request for Counsel	506
[ii] Request for Counsel for Non- <i>Miranda</i> Purposes	507
[iii] Release from Custody	508
[iv] Anticipatory Request for Counsel	508
§ 24.11 Custodial Interrogation: When <i>Miranda</i> Warnings Are Not Required	509

[A] Public-Safety Exception	509
[B] Covert Custodial Interrogation	511
[C] Routine-Booking-Questions Exception	512
§ 24.12 Scope of the <i>Miranda</i> Exclusionary Rule	512
[A] Impeachment Exception	512
[B] Fruit-of-the-Poisonous-Tree Doctrine	513
[1] In General	513
[2] A Tentative Start: <i>Michigan v. Tucker</i>	514
[3] Expanding on <i>Tucker</i> : <i>Oregon v. Elstad</i> and <i>United States v. Patane</i>	515
[4] When a “Fruit” May Be Inadmissible: <i>Missouri v. Seibert</i>	518
Chapter 25 · Interrogation Law: Sixth Amendment Right to Counsel	521
§ 25.01 <i>Massiah v. United States</i>	521
[A] Historical Overview	521
[B] <i>Massiah</i> : The Opinion	522
[C] Making Sense of <i>Massiah</i> : The Sixth Amendment Role of Counsel	523
§ 25.02 The Sixth Amendment (<i>Massiah</i>) Right to Counsel: Summary	526
§ 25.03 Procedural Initiation of the Right to Counsel: Adversary Judicial Proceedings	528
§ 25.04 “Offense-Specific” Nature of the Right to Counsel	529
§ 25.05 Requirement of “Deliberate Elicitation”	532
[A] “Deliberate Elicitation” versus “Interrogation”	532
[B] What Does “Deliberate” Mean?	534
[1] “Deliberate” as “Purposeful”	534
[2] “Deliberate” as Meaning Something Less Than “Purposeful”?	534
[C] What Is “Elicitation”?	537
§ 25.06 Waiver of the Right to Counsel	538
[A] General Principles	538
[B] The Court’s First Waiver Case: <i>Brewer v. Williams</i>	538
[C] Seeking Waiver	540
[D] Elements of a Valid Waiver	542
[1] “Voluntary”	542
[2] “Knowing and Intelligent”	543
§ 25.07 Scope of the Sixth Amendment Exclusionary Rule	543
[A] Right or Remedy?	544
[B] When the Police Investigate “Sixth Amendment” and “Non-Sixth Amendment” Offenses	545
[C] Use of Evidence for Impeachment Purposes	546
[D] Fruit-of-the-Poisonous-Tree Doctrine	546
§ 25.08 Right-to-Counsel Summary: Sixth Amendment versus <i>Miranda</i>	547

Chapter 26 · Eyewitness Identification Procedures	549
§ 26.01 Eyewitness Identification: The Problem and Potential Safeguards	549
[A] The Problem	549
[1] Overview of the Problem	549
[2] Details of the Problem	550
[B] Non-Constitutional Reform Measures	553
§ 26.02 Corporeal Identification Procedures: Right to Counsel	555
[A] Rule	555
[B] How the Rule Developed	556
[1] The Start: <i>United States v. Wade</i>	556
[2] Turning Away from <i>Wade</i> : <i>Kirby v. Illinois</i>	556
[C] The Role of Counsel in the Identification Process	557
§ 26.03 Non-Corporeal Identification Procedures: Right to Counsel	558
§ 26.04 Identification Procedures: Due Process of Law	559
Chapter 27 · Entrapment	563
§ 27.01 Entrapment: In General	563
§ 27.02 Entrapment: The Subjective Test	564
[A] Rule	564
[1] In General	564
[2] Proving Predisposition	564
[B] Rationale of the Rule	568
[C] Procedural Features of the Rule	568
§ 27.03 Entrapment: The Objective Test	569
[A] Rule	569
[B] Rationale of the Rule	570
[C] Procedural Features of the Rule	570
§ 27.04 Entrapment: The Debate	571
[A] Overview	571
[B] Criticisms of the Subjective Test	571
[1] “The Legislative Intent Rationale Is Fictional”	571
[2] “The Subjective Test Acquits Culpable Persons”	572
[3] “The Subjective Test Is Unfair”	572
[C] Criticisms of the Objective Test	573
[1] “The Test Leads to Inappropriate Results”	573
[2] “The Test’s Stated Rationales Are Indefensible”	573
§ 27.05 Entrapment: Due Process	574
Chapter 28 · The Right to Counsel: At Trial and on Appeal	577
§ 28.01 Overview: The Importance of Defense Lawyers in the Adversary System	577
§ 28.02 When the Right to Counsel Applies	578
§ 28.03 The Right to Counsel: At Trial	579

[A] The Right to Employ Counsel	579
[B] Indigents: The Right to Appointed Counsel	579
[1] Overview	579
[2] The Road to <i>Gideon</i>	580
[a] <i>Powell v. Alabama</i>	580
[b] <i>Johnson v. Zerbst</i>	582
[c] <i>Betts v. Brady</i>	582
[3] <i>Gideon v. Wainwright</i>	583
[4] Post- <i>Gideon</i> Law: The Misdemeanor Cases	584
[a] <i>Argersinger v. Hamlin</i>	584
[b] <i>Scott v. Illinois</i>	586
[c] <i>Alabama v. Shelton</i>	587
[d] Two More Cases: <i>Nichols</i> and <i>Gagnon</i>	588
[5] Implementing the Right to Appointed Counsel	589
§ 28.04 The Right to Counsel: On Appeal	590
[A] Inapplicability of the Sixth Amendment	590
[B] First Appeal (as of Right)	591
[1] In General	591
[2] Special Problem: Frivolous Appeals	592
[C] Subsequent (Discretionary) Appeals	593
[D] First (Discretionary) Appeal after a Guilty Plea	594
§ 28.05 The Right of Self-Representation	596
[A] The Defense: Who Is in Charge?	596
[B] <i>Faretta v. California</i>	596
[1] Recognition of the Right	596
[2] Reflections on <i>Faretta</i>	598
[3] Current Status of <i>Faretta</i>	599
[C] Procedural Issues	601
[1] Competence	601
[2] Making the Choice of Self-Representation	602
[3] Timeliness of the Request	603
[4] Hybrid Representation	603
[5] Standby Counsel	603
[6] Legal Significance of Poor Self-Representation	604
[7] Legal Effect of an Erroneous Denial of the Right	604
§ 28.06 The Right to Representation by One's Preferred Attorney	604
[A] In General	604
[B] Special Problem: Seizing Lawyers' Fees	605
§ 28.07 Interference with the Right to Counsel	608
§ 28.08 Effective Assistance of Counsel: General Principles	609
[A] Nature of the Issue	609
[B] "Ineffective Assistance": The <i>Strickland</i> Test	611
[1] Overview	611
[2] The First Prong: Deficiency of Representation	612

[a] The Standard	612
[b] Deficiency: Supreme Court Case Law	614
[i] Failure to Perform Ordinary Tasks — Held Not Unreasonable	614
[ii] Failure to Perform Ordinary Tasks — Held Unreasonable	615
[iii] Ignorance of Relevant Law	617
[3] The Second Prong: Prejudice	618
[a] The Standard	618
[b] Prejudice: Supreme Court Case Law	619
[c] Prejudice: Special Problems	622
[i] The Factually Guilty Defendant	622
[ii] The Sleeping Lawyer	624
[iii] Racially Tainted Evidence	625
§ 28.09 Effective Assistance of Counsel: Conflicts of Interest	626
[A] Nature of the Issue	626
[B] Pretrial Procedures to Avoid Conflicts	626
[C] Post-Trial Proof of a Conflict	627
[D] Waiver of the Right to Conflict-Free Representation	628
§ 28.10 Effective Assistance: The Role of Ethical Canons	629
Table of Cases	633
Index	651

Preface

This text is intended for use in law schools, although we can report with pleasure that legal scholars, practicing attorneys, and judges have found it of value in their work.

This volume is intended for use in criminal procedure courses focusing primarily or exclusively on police investigatory process. Such courses are variously titled: *Criminal Procedure I*; *Criminal Procedure: Investigation*; *Criminal Procedure: Police Practices*; *Constitutional Criminal Procedure*; etc. Because some such courses also cover the defendant's right to counsel at trial and on appeal, this text includes a chapter on this non-police-practice issue. This eighth edition incorporates the many significant changes in the law that have occurred since publication of the last edition.

Because *Understanding Criminal Procedure* is primarily designed for law students, it is written so that students can use it with confidence that it will assist them in course preparation. Indeed, frequently professors recommend or assign this text to their students to improve classroom dialogue. Based on the experience of prior editions, as well, we are confident that this eighth edition will continue to prove useful to scholars, practicing lawyers, and courts.

The text covers the most important United States Supreme Court cases in the field. Where pertinent, the Federal Rules of Criminal Procedure, federal statutes, and lower federal and state court cases are considered. The broad overarching policy issues of criminal procedure are laid out; and some of the hottest debates in the field are considered in depth and, we think, objectively.

Readers should find the text user-friendly. Students who want a thorough grasp of a topic can and should read the relevant chapter in its entirety. However, each chapter is divided into subsections, so that readers with more refined research needs can find answers to their questions efficiently. We also include citations to important scholarship, both classic and recent, into which readers may delve more deeply regarding specific topics. And because so many of the topics interrelate, cross-referencing footnotes are included so that readers can easily move from one part of the book to another, if necessary.

Gender policy of the Text. Obviously, women as well as men fill all the roles in the criminal justice system: lawyer, judge, police officer, legislator, criminal suspect, and victim. Accordingly, in even-numbered chapters, we use the male pronoun to describe hypothetical and generic parties in the criminal justice system; in odd-numbered chapters, women get equal time. Based on comments we have received

about this policy, most readers like the approach or, at worst, find it only temporarily distracting.

Acknowledgments. Many persons helped make these volumes possible. We can name only a few here. Professors Lee Lamborn and the late Joseph Grano read and commented on every page of every chapter of the manuscript for the first edition. Professor George Thomas did the same with the second edition. Various people have commented on drafts of chapters of later editions. The text is much better because of their generous assistance. Mistakes and omissions are the result of our stubborn refusal to listen to advice.

We thank our families for their love and support.

Joshua Dressler
Alan C. Michaels
Ric Simmons
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