Abstract

In New York v. Belton, the United States Supreme Court decided the subject about the recent criticism from scholars and Supreme Court Justices, alike, calling for the Court to re-examine its broad construction of the search incident to arrest exception to the Fourth Amendment’s prohibition against warrantless searches and seizures in the vehicle-search context. The Court seized the opportunity to revisit Belton in Arizona v. Gant. While narrowing the scope of the search incident to arrest exception in some situations, the Gant holding extended its scope in others, perhaps straying from the principles of the Fourth Amendment.

The current study was organized in the following manner: First, summarizes the case, including the facts, issue, holding, legal rule and reasoning; second, reviews the social realities that affect the ruling of the case; Finally, addresses the impact of the decision on law enforcement processes and/or social behavior. The present study relied on the several research paper and book, and media stories.

The current study focused the review Arizona v. Gant, and the purpose of the present research is to provide an overview of the social realities that affect the case and the impact of the case on law enforcement processes. Prior to the Court’s decision in Gant, Fourth Amendment jurisprudence was in a state of muddled, silent chaos. Supreme Court precedent had been stretched beyond its “breaking point.” In an effort to resolve unanswered questions surrounding the search incident to arrest exception the Court accepted Gant for review. By leaving the existing exceptions to the Fourth Amendment requirement intact, the Court did not handcuff law enforcement into overly stringent constraints. Instead, police officers have wide discretion in their creative selection of alternative exceptions in rationalizing further searches. Gant presented the Court with an opportunity to establish a “bright-line” rule in order to secure the safeguards of the Fourth Amendment and provide guidance to police for conducting searches incident to arrests.

The study’s review showed that the Supreme Court’s decision in Gant cuts two ways: First, it returns to a narrow search incident to arrest exception for non-evidentiary crimes, although its wording might result in confused application of the rule by lower courts; Second, it reflects a continuing trend placing higher value on successful prosecution of suspected criminals than on the intent of the Fourth Amendment’s framers. Implications for warrantless searches and seizures in the vehicle-search context are discussed.

Keywords: Criminal Case, New York v. Belton, The Fourth Amendment, Searches and Seizures, Law Enforcement Processes

1. Introduction

In New York v. Belton[1], the United States Supreme Court decided the subject about the recent criticism from scholars and Supreme Court Justices, alike, calling for the Court to re-examine its broad construction of the search incident to arrest exception to the Fourth Amendment’s prohibition against warrantless searches and seizures in the vehicle-search context. The Court seized the opportunity to revisit Belton in Arizona v.
While narrowing the scope of the search incident to arrest exception in some situations, the Gant holding extended its scope in others, perhaps straying from the principles of the Fourth Amendment. In this context, the current study focused on the review Arizona v. Gant. The purpose of the present research is to provide an overview of the social realities that affect the case on law enforcement processes. The current study was organized in the following manner: First, summarizes the case, including the facts, issue, holding, legal rule and reasoning; second, reviews the social realities that affect the ruling of the case; Finally, addresses the impact of the decision on law enforcement processes and/or social behavior. The present study relied on several research paper and book, and media stories.


2.1. Facts

In late August 1999, two Tucson police officers went to a home to investigate a tip about narcotics activity. After Rodney Gant came to the door and informed the officers that the homeowner would return later that afternoon, the officers departed. Upon running a records check on Gant, the officers discovered that his driver's license had been suspended and that he was the subject of an arrest warrant for driving with a suspended license. After the officers returned to the home that evening, Gant drove up, parked in the driveway, and got out of his car. One of the officers summoned him. As soon as Gant covered the eight-to-twelve-foot distance between them, the officer arrested and handcuffed him, then placed him in the rear of a patrol car, under the supervision of another officer. Two officers then searched the passenger compartment of Gant's vehicle, finding a weapon and a baggie of cocaine. Gant was charged with possession of a narcotic for sale and possession of drug paraphernalia. After the trial court denied his motion to suppress the evidence found in his car, he was convicted of both offenses.

2.2. Issue

The Supreme Court sought to illuminate when the vehicular search incident to a lawful arrest(SILA) exception may comport with the Fourth Amendment’s warrant and warrant exception strictures. Prior to Arizona v. Gant, when a routine traffic stop resulted in an arrest for any reason, a search of the car was permissible. The Supreme Court attempted to finally resolve the ongoing controversy behind the vehicular SILA exception. The decision neither affects nor excludes other search doctrines that may apply in particular cases. The well-established exceptions of consent, probable cause, and the inventory search remain viable. Therefore, these universal exceptions to the warrant requirement will continue to provide law enforcement wide discretion in conducting warrantless, vehicular searches.

2.3. Holding

The United States Supreme Court held that the search of a vehicle incident to arrest is permissible in only two situations: 1) when the arrestee is unsecured and within reaching distance of the passenger compartment; 2) when it is reasonable to believe that evidence relevant to the crime of arrest may be found in the vehicle. Accordingly, police may search the passenger compartment of a vehicle incident to a recent occupant’s arrest only if it is reasonable to believe that the arrestee might access the vehicle at the time of the search or that the vehicle contains evidence of the offense of arrest.

2.4. Legal rule and reasoning

2.4.1. Major opinion

Justice Stevens delivered the opinion of the Court, which held that the officers conducted an unreasonable search of Gant's vehicle[2]. The Court held that Chimel’s rationale[3] “authorizes police to search a vehicle incident to a recent occupant’s arrest only when the arrestee is unsecured and within reaching distance of the passenger compartment at the time of the search.” The Court also held that police might search a vehicle incident to a recent occupant’s arrest
where it is “reasonable to believe evidence relevant to the crime of arrest might be found in the vehicle.” Because the Gant rule treats the exception differently depending on the crime of arrest, the rule is best explained by splitting the holding into its two parts. An arrest for a non-evidentiary offense provisions no reason to believe that evidence specific to the offense of arrest might be found in the vehicle, while an arrest for an evidentiary offense does create a reasonable belief that such evidence might be found.

2.4.2. Concurring opinion

Justice Scalia wrote separately in Gant, despite the Court having adopted his proposed rule from Thornton. Justice Scalia lamented the ‘charade’ of retaining Chimel’s justifications in the car search context. As an alternative, he advocated adopting only an evidence-gathering justification for warrantless vehicle searches incident to arrests of recent occupants. Justice Scalia reasoned that allowing searches under Chimel’s rationale where arrestees are unsecured invites officers to leave the scene unsecured.

2.4.3. Dissenting opinion

Justice Alito’s dissent, in which Chief Justice Roberts and Justice Kennedy joined, and Justice Breyer joined in part, attacked the Court’s insufficient support for its departure from stare decisis. The dissent also questioned adopting Justice Scalia’s proposed rule from his concurring opinion in Thornton without independent explanation of its origin or rationale. The dissent noted law enforcement’s considerable reliance on Belton, as evidenced by the fact that it was taught in police academies. The dissent argued that the Belton rule offers a more workable alternative than Gant’s rule. Justice Alito contended that Gant, by narrowing the application of Chimel’s justifications, creates a “perverse incentive for an arresting officer to prolong the period during which the arrestee is kept in an area where he could pose a danger to an officer.” Finally, Justice Alito questioned the part of the new rule that requires “reason to believe” rather than probable cause. The dissent concluded that it would simply apply Belton, and reverse the holding of the Arizona Supreme Court.

3. Social Realities

3.1. Exceptions to the search warrant requirement

The Fourth Amendment protects individuals from unreasonable searches and seizures. The search incident to arrest exception to the Fourth Amendment’s prohibition against warrantless searches provides that law enforcement officers may conduct searches incident to arrests of recent occupants. Since Weeks, the Supreme Court has wrestled with a satisfactory definition of the scope of authority to search granted by the exception. In that time the proper scope has repeatedly expanded and contracted.

According to Skolnick et al. (2005), an urgent issue in the “war on drugs” concerns the “open fields” doctrine, which government lawyers say permits law enforcement officers to fly over or enter onto private land without warrants to search for illegal substances, notably marijuana plants. The doctrine was first stated by Justice Oliver Wendell Holmes more than 60 years ago: “The special protection accorded by the Fourth Amendment to the people in their ‘persons, houses, papers and effects,’ is not extended to the open fields. The distinction between the latter and the house are as old as the common law.” The Supreme Court reaffirmed Hester in a case involving the warrantless search of Kentucky farm for marijuana plants, stating, “The is no societal interest in protecting the privacy of those activities, such as the cultivation of crops, that
occur in open fields[7]". The problem in many Northern California counties, however, does not hang on a fine point of law. Marijuana growing is so pervasive that hundreds if not thousands of rural people have been affected by low flying helicopter surveillance, leaving many non-pot-growing residents up in arms. Law enforcement may call it an “often fields” doctrine, they say, but all too often government sweeps amount to an “open season” on law-abiding citizens. Because of the urgent nature of many law enforcement situations, most arrests and searches occur without warrants, and a number of constitutionally acceptable exceptions to the warrant requirement have been recognized[8].

While the police are not permitted to search a house without a search warrant merely because they have “probable cause” to believe that there are sizeable objects in it, they may search an automobile without a warrant when there is probable cause to believe it contains articles that offend against the law. This exception developed because of the mobility of automobiles and the problems of obtaining a search warrant in time to make an effective search before the car in question has been moved. The search incident to a lawful arrest is the most significant exception to the rule that searches must be made on warrant. In fact, the great majority of searches are incident to an arrest rather than under a warrant.

The law permits an arresting officer to search the arrested person for hidden weapons, to withdraw him of the means of evasion, and to prevent the obliteration of evidence he may possess. Firstly this exception to the requirement of a warrant for a search was probably justified as an emergency measure. However, serious differences of view and judgment have arisen as to whether a search of more than the immediate person of the one being arrested is really justified. Under the law a police officer may not simply search a home or a person whenever he wishes; he may not search even if he has “probable cause” to believe that the place he wishes to search contains contraband. He can search only if he has a warrant or if one of the exceptions to the search warrant requirement is present. This limitation on law enforcement activity has created a good deal of controversy[8].

3.2. Vehicle searches

Vehicles present a special law enforcement problem. They are highly mobile, and when a driver or an occupant is arrested, the need to search the vehicle may be immediate. The first significant Supreme Court case involving an automobile was Carroll v. U.S. in 1925, which a divided Court ruled that a warrantless search of an automobile or other vehicle is valid if it is based on a reasonable belief that contraband is present[4].

In 1964, however, in the case of Preston v. U.S., the limits of warrantless vehicle searches were defined. Preston was arrested for vagrancy and taken to jail. His vehicle was impounded, towed to the police garage, and later searched. Two revolvers were uncovered in the glove compartment, and more incriminating evidence was found in the trunk. Preston, convicted on weapons possession and other charge, eventually appealed to the U.S. Supreme Court. The Court held that the warrantless search of Preston’s vehicle had occurred while the automobile was in secure custody and had therefore been illegal. Time and circumstances would have permitted acquisition of a warrant to conduct the search, the Court reasoned[9].

Generally, where vehicles are concerned and investigatory stop is permissible under the Fourth Amendment if supported by reasonable suspicion, and a warrantless search of a stopped car is valid if it is based on probable cause. Reasonable suspicion can expand into probable cause when the facts in a given situation so warrant. Warrantless vehicle searches can extend to any area of the vehicle if officers have probable cause to conduct a purposeful search or if officers have given permission to search the vehicle. Motorists and their passengers may be ordered out of stopped vehicles in the interest of officer safety, and any evidence developed as a result of such a procedure may be used in court.

3.3. The automobile exception
Because of their mobility, automobiles and other vehicles may need to be searched without a warrant. This so-called “automobile exception” has arisen because for law enforcement officers to expect suspects to voluntarily remain in place while the officers returned to the station to prepare the warrant application and then find a judge to sign it would obviously be unreasonable[10]. Detaining suspects that long would also be unreasonable[4]. This exception is not difficult to understand if the underlying reason for it is kept in mind. The automobile exception simply states that if a government agent had probable cause to believe the vehicle contains contraband or evidence of a crime, no warrant is needed. Because in the time needed to get a warrant, the car, driver and contraband or evidence could be long gone.

3.4. The problem of exploratory searches

Casson(2009) explained that Furth Amendment jurisprudence has been characterized as a “tension between the privacy rights of individuals and the ability of police officers to enforce the law.” Over the past century, the decisions of the Supreme Court regarding warrantless searches have been exceedingly inconsistent[11]. Since surfacing in 1914 as dictum in Weeks v. United States, the search incident to a lawful arrest(SILA) exception has proved to be quite challenging to implement. Although Weeks only briefly touched upon the concept of warrantless searches, it did lay the groundwork for the beginnings of an established SILA exception.

One of the primary arguments that had been offered in Gant for overruling or modifying Belton was that doing so would limit police officers’ ability to conduct purely exploratory searches. The facts of Gant illustrate this strategy[12]. Recall that police officers first encountered Rodney Gant when he opened the door of a home they suspected was being used to sell drugs. Immediately following this conversation, police ran a check of his traffic record[13]. As their interaction with Gant would have given police no reason to suspect him of traffic violations, they conducted the record check in the hope that they could later use a traffic stop as a justification to stop and investigate his possible connection to the drug activity[4]. When Gant returned to the home in his vehicle, the officers would have had no grounds to detain him if they had not discovered the outstanding traffic warrant. The arrest for the traffic violation, in turn, permitted police to conduct an automatic search of his person and the passenger compartment of his vehicle. The search was permissible even though police lacked probable cause to believe that there were drugs in Gant’s car and they had no reason to think Gant would have evidence of the crime of arrest – the traffic offense – on his person or in his vehicle[14].

By the time Gant came before the Supreme Court, this strategy of using traffic stops to conduct searches for non-traffic related evidence was entrenched and widespread. Two factors made so called pretext stops possible[11]: 1) the first is that police can stop, arrest, and search almost any motorist by simply waiting for him or her to commit one of a myriad of minor traffic offenses; 2) the second is police neither will nor can enforce all minor traffic laws against all violators. This means police have uncontrolled discretion to use a traffic stop, arrest, and SILA to get a free search for evidence unrelated to the traffic violation that formally justified the stop.

4. Implication of the Decision on Law Enforcement Processes and/or Social Behavior

Prior to the Court’s decision in Gant, Fourth Amendment jurisprudence was in a state of muddled, silent chaos. Supreme Court precedent had been stretched beyond its “breaking point.” In an effort to resolve unanswered questions surrounding the search incident to arrest exception the Court accepted Gant for review[4]. By leaving the existing exceptions to the Fourth Amendment requirement intact, the Court did not handcuff law enforcement into overly stringent constraints. Instead, police officers have wide discretion in their creative selection of alternative exceptions in rationalizing
further searches. Gant presented the Court with an opportunity to establish a “brightline” rule in order to secure the safeguards of the Fourth Amendment and provide guidance to police for conducting searches incident to arrests. On the other hand, the Supreme Court heard Gant to quash an outcry from courts, states, and scholars to clarify the Belton standard. While law enforcement operated under implicit liberal guidelines, the constitutional protections afforded to arrestees were diminished[4]. The evolved standard constituted a linear departure from the long-established justifications of warrantless searches incident to arrest. This problem stemmed from Belton’s failure to address the common situation where officer safety was not in jeopardy. The Gant Court succeeded in its implied objective of defending the Constitution by curbing undue expansion of the Fourth Amendment[13].

First, Gant neither affects nor excludes other search doctrines that may apply to particular cases. Because the Court maintained the validity of other Fourth Amendment exceptions such as consent, probable cause, and inventory, any immediate impact the opinion may have on further exploratory searches is conceivably minimal. Therefore, the ruling was practical, as law enforcement still lawfully possesses alternative procedures for conducting warrantless searches. Second, the opinion provides greater protection against unbridled rummaging by police officers, as the Court’s holding allows a search for evidence only if it relates to the reason for the arrest. However, the impact of the decision is dubious because the Court failed to clearly identify the essential nexus between the crime underlying the arrest and the search[14]. Although the workability may be problematic, any attempt at tying the search to the reason for arrest is a positive step towards the original intent of the exception. Third, by preserving the twin rationales of Chimel, the opinion strikes a suitable balance between police officer safety and the countervailing interest of protecting fundamental constitutional rights. Although it has been argued that this decision could create an incentive for officers to purposefully leave a scene unsecure in order to apply the Chimel exception, the solution to this sort of imprudence is not the responsibility of the judiciary, but that of the respective police departments[11]. For that reason, this decision’s impact on the legal field is not an excessively burdensome new migration, but an attempted return to the critical protections of the Fourth Amendment.

Gant requires a much more committed and earnest stance if the Court is sincerely determined to establish the truly essential limits of the Fourth Amendment. Still, further, law enforcement departments must implement effective and enforceable procedural guidelines if Gant’s intended objective is to be realized. While the Court did recognize the reckless abandonment of citizens’ rights preceding Gant, the holding stopped short of providing a required degree of certainty. Further, a more pragmatic accord with local police departments is necessary to safeguard the constitutional freedoms of society.

5. Conclusion

The current study reviewed Arizona v. Gant in order to analysis of the social realities that affect this case and the impact of the case on law enforcement processes. The Supreme Court’s decision in Gant cuts two ways. First, it returns to a narrow search incident to arrest exception for non-evidentiary crimes, although its wording might result in confused application of the rule by lower courts. Second, it reflects a continuing trend placing higher value on successful prosecution of suspected criminals than on the intent of the Fourth Amendment’s framers. The Gant rule applied to evidentiary crimes in the vehicle context, by adopting an evidence-gathering justification with no probable cause requirement, effectively removes the judicial mind from the process and grants officers in the field the discretion to determine whether an invasion of privacy is justified. This is exactly what the framers sought to prevent.

While the rule suggested above provides an alternative to warrantless vehicle search-
es incident to arrest, it does so only until tripping over the next exception to the warrant requirement[4]. The existence and breadth of the inventory search exception virtually ensure that, under the proposed improvement, warrantless search is inevitable. In the context of vehicle searches after the arrest of an occupant, the exceptions to the Fourth Amendment’s warrant requirement have enveloped the rule. After an arrest, it is difficult to imagine a situation where the vehicle search would take place under authority of a search warrant. Whether the search is conducted incident to an arrest or as an inventory, the paths circumventing that set forth by the Fourth Amendment have become the most traveled.

6. References

6.1. Journal articles


6.2. Books


6.3. Additional references