

## **GRABBER ARREST, SEARCH AND SEIZURE**

**Rights involved:** Right of individuals to be free from unreasonable searches and seizures; individual rights during an arrest.

**Activity:** Conduct an arrest, search and seizure in the classroom.

Officer enters the classroom and announces he has a warrant for the instructor's arrest. Instructor should do his/her best to look completely shocked, perhaps stammer something about not understanding what's going on. Officer states that instructor sold illegal drugs to an undercover officer before entering the school. Teacher states he/she doesn't know what the officer is talking about. Officer handcuffs teacher, then thoroughly searches the teacher, reaching into the teacher's front shirt pocket and producing a bag of something that could be coke, or perhaps a marijuana joint. Officer leads teacher out of the classroom. The two wait a minute or two and then return to the classroom. Instructor introduces the officer, explains that this was a demonstration, and excuses the officer.

The instructor breaks the class down into small groups of 4-6 students; each group chooses a representative. One group is given a handbook with a description of what just occurred and 2-3 questions regarding what the arrestee's rights were. The remaining groups are given a handout with descriptions (each group's description varies slightly on key factual points) of what just happened and asked to respond to questions regarding the arrestee's rights. Students are given time to reach a consensus on the correct answers to the questions, after which the first group's representative presents his/her group's answers to the questions. After the first group finishes, each representative from the other group stands, in turn, and explains how their fact pattern differs from the original, and how they answered their questions. Instructor should comment on, or correct/clarify each answer where necessary.

## Group #1

In the arrest and search you just observed, the police officer did not ask for your instructor's consent to search his/her person, nor did your instructor consent to the search. Was this a legal search? Why or why not?

When the officer entered the classroom, he/she stated he/she had a warrant to arrest your instructor. Who issued the warrant?

What was the basis/justification for issuing the warrant?

## Group #2

What if, before entering the classroom, the officer had observed your instructor outside the school, speaking with a known drug user? What if he/she had also seen your instructor and the drug user appear to exchange money and a small plastic bag with a white substance in it? Could the officer have entered the classroom and arrested your instructor without a warrant?

What would have been the officer's justification for making a warrantless arrest?

What affect, if any, would the fact that the arrest was made without a warrant have had on the legality of the subsequent search?

### Group #3

What if, before entering the school, the officer had seen your instructor speak briefly with a known drug dealer? What if he had also observed a bulge under your instructor's coat that the officer suspected was a gun? Could the officer have then entered the classroom and made a warrantless arrest? Why or why not?

If the officer could not have made a warrantless arrest, what could he/she have done?

Would any kind of search of the instructor been legal? If yes, on what grounds?

#### Group #4

What if, before entering the school, the officer had seen your instructor speak briefly with a known drug dealer? What if he/she had also observed a bulge under your instructor's coat that the officer suspected was a gun? What could the officer have done?

Assume the officer entered the classroom and searched, but did not arrest, your instructor. If the search resulted in the discovery of illegal drugs, would the search be legal? Why or why not?

What if the search resulted in the discovery of a weapon? Legal or illegal? Why?