## Index

911 calls	attached documents to warrants, 144
authenticating, 306	attenuation, 288
exigent circumstance, 111	attorneys
reliability of callers, 6 1538.5 motions, 271	complying with demands, 235 obnoxious, 308
abandoned evidence	recording conversations of, 185
by tenant, 81	right to visit client, 69, 235
communications devices, 180	right to, at lineups, 252
discarding, 28, 288 in prisons, 186	search warrant on, 152
standing, 285	audio surveillance, 182
vehicles, 98	authenticating evidence, 265, 306
accomplices	automobiles See Vehicles
as material witnesses, 294	bail hearings, 73
playing one against the other, 231	bank records, obtaining, 189
questioning, 243	barricaded suspects, 114, 118, 184
admissions 16, 234, 244	bean bag guns, 50
aerial surveillance, 196	beepers, 198
alcohol	Beheler admonitions, 204
DUI blood tests, 130 under the influence of, 19	Belton searches, 102
	bench warrants, 55, 59
anticipatory search warrants, 153	black box, vehicle event recorders, 97
appearance orders (lineups), 253	blood tests, 129
Aranda-Bruton, 243	bodily intrusion searches, 129
arraignment, 71, 73, 236	booking, 69, 73, 133, 208
arrestees disposition of, 69	burglary, probable cause to arrest for, 19
location, proving, 59	business records
phone calls by, 69	financial records, 189
arrests, 47	medical records, 193
citizen, by, 75	probable cause source, 5
de facto, 28, 47	probable cause to search for, 23
disposition of arrestees, 76 out of county, 72	CalECPA, 177, 183
parole violation, 55	cell phones records, obtaining, 177, 183
post-arrest procedure, 69	search incident to arrest, 67
pretext arrests, 65	tracking, 179
residence, entry without warrant, 57	wiretaps, 181
resisting, 29, 49 search incident to, 65	cell site simulators, 179, 197
arrest warrants	certiorari denied, consequences of, 310
bench warrants, 55, 59	chain of custody, 266
parolee-at-large, 55	checkpoints, 37
probable cause review, 70	chemicals, as exigent circumstance, 118
Ramey, 55, 57, 236	child pornography, 137
Steagald, 57, 154	Chimel searches, 67
arson, probable cause to arrest for, 19	choke holds, 131
ATM machines, user photos, 191	citation guide, 309

## Index

cite and release, 52, 69	de facto
citizen informants, probable cause source, 6	arrests, 28, 47
citizens' arrests, 75	custody, 202 interrogation, 206
co-conspirator exception, 244	_
commands, to stop, 26	dead body, exigent circumstance, 111
community caretaking	deadly force, 50
detentions, 35, 36	declarations of probable cause, 70
searches, 116	depublication of court opinions, 310
computers	destruction of evidence, 114, 131
consensual search of, 79	detentions, 25
electronic communications, search for, 177 probable cause to search, 23, 24	converting into contacts, 33 force, use of, 29
searches, of, 119	Miranda, when required, 202, 228
warrant to search, 141	property, of, 25
confidential reliable informants, 8	roadblocks, 37
Confidentiality of Medical Information Act, 193	school grounds, on, 37
connection traps, 180	search warrants, while executing, 159
consensual encounters, 43	special needs, 35 traffic stops, 39
	transporting detainees, 32
entry, consent once removed, 62	witnesses, detaining, 36
entry into home to arrest, 61	dialed number recorders, 180
search, 77	dicta, in published cases, 309
computers, 119	discarded evidence, 28
during contacts, 44	dissenting opinions in published opinions, 310
financial records, 192 knock and talks, during, 258	DMV, record checks, 41
medical records, 193	
Miranda, when warning necessary, 207	DNA, 17, 54, 116, 130, 285
refusal to, 18	Doe arrest warrants, 54, 55
withdrawal, 63 workplace, 127	domestic violence, 51, 62, 111
traffic stops, consent to search during, 42	double-blind lineups, 249
constructive possession, 17	Doyle error, 226
contacts, 43, 257	drivers' licenses See Identification
contingent search warrants, 153	drugs
controlled buys and deliveries, 8, 153	paraphernalia, 19, 21
•	possession of, 295 possession of, probable cause to arrest for, 19
cordoning off, 173	voluntariness, affecting, 232drugs
coroner entry by, 111	drug abuse treatment records, 193
medical records, release to, 193	drug labs, exigent circumstance, 112
corroboration, 9	DUI
countersurveillance, probable cause factor, 15	blood draws, 151
covert search warrants, 155	blood tests, 130,
credit reports, obtaining, 189	in the presence rule, 51
-	probable cause to arrest for, 19
crime scenes abandoned evidence, at, 285	eavesdropping, 182
exigent circumstances, 113, 118	electronic communications
securing, 36	obtaining, 177
warrant to search, 141	search warrants for, 147
curfew arrests, 69	electronic search warrants, 151
custodian or records, service on, 190	electronic surveillance, 197
database errors, 280	electronic usage meters, 199

Elstad rule, Miranda, 226, 238	furtive gestures, 14, 91
email	gang books, as photo lineup, 246
arrest warrants, obtaining by, 54, 55	garbage, searching, 285
communications, obtaining, 177	good cop-bad cop, 230
records, obtaining, 177 search warrant by, 151	good faith rule, 182
•	Google
emergency aid, 131	earth, 266
entrapment, 259	street view, 138
evidence abandonment, of, 285	government records
authenticating, 266	probable cause source, 5
destruction of, 114	probable cause to search for, 23
preserving, 265	GPS tracking, 198
Evidence Code 226, 225, 238, 247, 352, 402	gunpoint, detaining at, 30
exigent circumstances, 109	hair samples, obtaining, 131
bodily intrusion searches, 130	handcuffing
DUI blood tests, 130	consent, affecting voluntariness of, 83
entry to arrest, 61	detainees, 30  Miranda, custody factor, 202
explosives, exigent circumstance, 118	search warrants, while executing, 160
fax	hand-to-hand exchanges, 15
arrest warrant, by, 54 search warrant by, 151	handwriting analysis, 18
felony car stops, 30	Harvey-Madden motions, 305
field contact cards, 32, 42, 44	healthcare records, obtaining, 193
	hearsay, in establishing probable cause, 3
financial records, obtaining, 189	helicopter surveillance, 196
fingerprinting detainees, 32	_
warrant for, 32	high crime areas, 13, 92
fingerprints	high risk car stops, 30
probable cause factor, 17	HIPAA (Health Insurance Portability and Accountability Act), 193
suppression of, 289	Hobbs motions, 303
firearms	hot pursuits, exigent circumstance, 113
detectors, 199	hotline tipsters, duty to disclose identity, 297
detention at gunpoint, 30 drawn, Miranda custody factor, 203	
exigent circumstance, 112	identification refusal to ID, 18, 31
search for, community caretaking, 117	satisfactory ID, 30, 40
search warrant for, 137	search of vehicle for, 101
fires, exigent circumstance, 112, 118	immunity, 232, 261
firewalls, investigative, 122, 264	impeachment, 238, 274, 286
flashbangs, 165	implied <i>Miranda</i> waivers, 212
flight, probable cause factor, 13, 14	in camera hearings, 296, 297, 300, 301
footnotes, in published cases, 310	in the presence rule, 51
force	independent source rule, 246, 291
arrests, use of during, 48	indicia, 17, 23, 141, 162, 295
bodily intrusions, 129	indictment warrants, 55, 59
citizen making arrest, 76 detentions, use during, 29	inevitable discovery rule, 291
entry into residence, 165	informants
Franks motions, 277	confidential, 293
fresh information, 24	motion for discovery of, 299
fresh pursuit, exigent circumstance, 113	motion to disclose identity, 293
-	omitting information about, 144
fruit of the poisonous tree rule, 226, 287	reliability of, 8

## INDEX

interrogation See Questioning	motions, 271, 275, 277, 293, 299, 301,
independent intervening acts, 288	303, 305
Invasion of Privacy Act, 183	mouth, removing evidence from, 131
inventory searches of vehicles, 98	nervousness, 14, 91
investigative contacts, 43	nexus rule, 23
investigative detentions, 25	night service
jails and prisons booking searches, 133 cells, searching, 285	arrest warrants, 54 search warrants, 149, 157 night vision, 198
intercepting communications, 185 mail, reading, 187 <i>Miranda</i> , when required, 205	Ninth Circuit opinions, binding force of, 309 no-bail warrants, 73
John Doe warrants, 54, 55	no-knock search warrants, 150
juveniles See minors	nondisclosure orders, 155, 190
knock and talks, 257	oath, search warrant affidavits, 145
knock-notice, 63, 166	off-duty officers, search by, 268
law enforcement officers	offense-specific rule, 215, 236
off-duty, search by, 268 reasonably well trained, 279 school resource officers, 37, 125	officer safety detention for, 36 exigent circumstance, 111 protective sweeps, 169
leading questions, 231	official channels rule, 3
least intrusive means test, 28, 49	open fields, trespassing on, 195
lies probable cause factor, 16 voluntariness factor, 230	out-of-jurisdiction arrests, 72 search warrants, 152
lineups, 245	parole searches See probation and parole
Luttenberger motions, 299	parolee-at-large warrants, 55, 59
mail covers, 286	pat searches, 89, 159, 203
mail, detaining, 25	pen register data, probable cause factor, 18
material witnesses, 294	pen registers, 180
MDI motions, 293	Penal Code
measurably extend test, 32	148; 14, 29, 31, 93
medical records, obtaining, 193	290; 130
merchant privilege, 76	311; 137 647(f); 14
mere informants, 294	849(b); 70, 201
minors arrest of, 66, 69, 70 consent to search, by, 81 Miranda, 208, 210	853.6; 31 1524; 109, 137, 138, 153 1538.5; 225, 271 4001.1; 241
Miranda, 26, 31, 45, 201, 209, 215, 221, 225, 228, 231, 237	pepper spray, 50
misdemeanors	permeated with fraud rule, 142, 190 perp walks, 72
in the presence rule, 51	
stale, 51	petition for review, 310
wobblers, 48	phone traps, 180
missing person, exigent circumstance, 112	photo lineups, 246
mistakes of fact in establishing probable cause, 3	photographing detainees, 32
license plate readers, 3	physicians, search warrant on, 152
mistakes of law, 3	pinging, 179 plain feel, 94, 175

plain view, 114, 118, 122, 163, 172, 175, 258, 268, 285	questioning accomplices, 243
plurality decisions, 309	detainees, 31
police agents, 208, 239, 267	interrogation 227
police dogs, 5, 33, 49, 86, 158	Miranda See Miranda
police officers See law enforcement officers	Ramey warrants, 55, 57, 64, 236
police records, probable cause source, 5	rap sheets
police stations	probable cause factor, 18 probable cause source, in, 5
intercepting communications in, 185	reasonable suspicion
questioning in, 228	principles, 1
police trespassing, 255	traffic stops, 39
polygraph, 218	vehicle searches, 97
possession of drugs, 19, 295	recording and videotaping
Postrelease Community Supervision, 103, 105	Miranda waivers, 209 prisoner communications, 185
preserving evidence, 265	search warrant execution, 158
pretext	staged communications, 183
arrest, 48, 65	red and blue lights, affect of, 26
car stops, 42 probation searches, 104	reissuing search warrants, 155
towing, 98	return of search warrant, 164
prisoner communications, intercepting, 185	right to counsel See Sixth Amendment
Privacy Protection Act, 123	Right to Financial Privacy Act, 189
privileged information, probable cause, 3	roadblocks, 37
probable cause, 1, 5, 11, 21	satisfactory ID, 30, 40
148 PC; 29, 31, 93	school grounds
arrest, to, 11	detentions on, 37
declaration of, 55, 70	searches on, 125
duration of, 11 plain view, 176	sealing orders, search warrants, 150
principles of, 1	search, defined, 271
reliability of information, 5	searches incident to arrest, 76, 102
review grounds for, 70	search warrant affidavits, 143
search, to, 21 vehicle searches, 95	search warrants, 135, 143, 147, 157
probation and parole	blood tests, 129 financial records, for, 190
hearings, impeachment during, 274	motion to traverse, 277
holds, 71	nondisclosure orders, 155, 190
parolee-at-large warrants, 55, 50	post-search procedure, 164
probation violation warrants, 55, 59 searches, 36, 103	presumption of validity, 273 protective sweeps, 169
	releasing seized property, 156
profiles, probable cause factor, 18 Proposition 8, 309	sealed affidavits, <i>Hobbs</i> motions, 303
Proposition 47, 133	second warrant, when necessary, 164
prosecutors, questioning by, 237	securing premises, 159, 173
prosecutors, questioning by, 257 protective sweeps, 117, 169	severance rule, 275 special master procedure, 152
protective sweeps, 117, 109 protective vehicle searches, 101	Steagald warrants, 154
•	urine testing, 131
protocols, use in search warrants, 120, 140, 142, 151	vehicle tracking warrants, 151
public place, what constitutes, 19, 58 public safety exception, <i>Miranda</i> , 208	searches by civilians, 267
pursuits, 27, 113	searches incident to arrest, 65
	securing premises, 159, 173
quash search warrants, motion to, 275	coigure defined 271

## Index

sensing and diagnostic modules, 97	training and experience, 2, 140, 170
severance rules, search warrants, 275	traverse search warrants, motions to, 277
showups, 245	trespassing by police, 255
Sixth Amendment, 235, 239, 252	undercover agents, Miranda, 208, 239
Skelton hearings, 9	untested police informants, 8
softening up, Miranda, 214	urine tests, 131
special masters, 149, 152	Vehicle Code
special needs detentions, 35	12500; 99
stale information, 24	14601; 99
stale misdemeanors, 51	22107; 39
standing, 281	23123; 39 24252(a); 39
evidence seized, 134	26708; 39
Miranda, 225	vehicles
Sixth Amendment, 238	event recorder, search of, 97
stare decisis, 309	felony car stops, 30
statements against penal interest, 9	passengers' custody status, 26
statute of limitations, 53	pursuits, 27 registration, search for, 101
Steagald warrants, 57, 154	rented, 283
stings, 260	search warrant for, 139
stolen property, probable cause to arrest for, 20	searches, of, 95
stomach pumping, 132	tracking, 198
strip searches, 67	tracking warrants, 151 search, standing to challenge, 283
subpoena duces tecum, 156	theft of, 19
suppression of evidence	video recordings, authenticating, 266
fruit of the poisonous tree rule, 287	video surveillance, 197
general suppression exception, 279	VIN searches, 41, 102
independent source rule, 291	voice-only lineups, 246
inevitable discovery, 291 motions, 271 et seq.	voluntariness, interrogation, 227
standing, 281	warrant checks, 29, 41, 44
surreptitious questioning, 239	
surveillance	Welfare and Institutions Code 5150; 116
electronic surveillance, 197	welfare checks, 116
physical surveillance, 195	wiretapping, 181, 186
sites, disclosure of, 301	witnesses detaining, 36
tasers, 50	material, 294
telephones Also see cell phones	wobblers, 48
recording conversations, 183	workplace searches, 127, 284
records, obtaining, 177 search warrants, obtained by, 151	yards and driveways, entering, 255
tested police informants, 8	yearbooks, as photo lineup, 246
testifying in court, 307	yearbooks, as photo inleup, 240
text messages, obtaining, 178 testimonial statements, 201, 226	
texting while driving, 39	
thermal imaging, 197	
threats and promises, interrogation, 229	
towing vehicles, 98	
traffic stops, 39	
pretext stops, 42 standing to challenge, 283	
0 ,	