

People v. Matelski
(2000) 82 Cal.App.4th 837

ISSUE

When officers arrive at a residence to conduct a probation search, under what circumstances may they detain visitors on the premises?

FACTS

Officers in San Bernardino County went to Mitchell's home in Twentynine Palms to conduct a probation search after Mitchell failed a drug test. As they arrived, they saw a man and a woman--later identified as Mr. and Mrs. Matelski--walking out the front door. Because the terms of Mitchell's probation required him not to associate with felons, the officers wanted to identify the pair to see if they had any prior convictions.

At this point, an officer ordered them to "Come over here." The Matelski's complied. The officer explained why he wanted to talk to them and requested ID, which they provided. The officer then ran a records check which revealed that both Mr. and Mrs. Matelski were wanted on outstanding arrest warrants. They were then arrested and searched incident to the arrest. During the search, officers found methamphetamine inside Mrs. Matelski's purse. Both were convicted of possession of a controlled substance.

DISCUSSION

It was apparent the Matelski's were detained when the officer ordered them to "Come over here." The question was whether the officer had grounds to detain them. If, as the Matelski's contended, grounds to detain did not exist, the methamphetamine would be suppressed as the fruit of an unlawful detention.

Ordinarily, officers may detain a person only if they reasonably believed the person was involved in criminal activity.[1] Clearly, there were no circumstances that would have justified a detention of the Matelskis based on such grounds.

There are, however, certain situations in which the courts have authorized very limited detentions for other purposes, usually to identify a person or exercise brief control over him for officer-safety reasons. In such cases, the detention is lawful if the need for the detention was outweighed by its intrusiveness.[2]

For example, in *People v. Glaser*[3] the California Supreme Court ruled that officers who had just arrived at a home to execute a warrant to search for drugs lawfully detained a visitor, Glaser, as he was about to open a gate to the property. The court reasoned that, although the officers did not have grounds to believe Glaser was committing a crime, the brief detention was "justified by the need to determine defendant's identity and connection to the premises and to protect the officers' own safety."

As noted, the officers' need to detain the person is balanced against the measures taken by officers to effect the detention. Accordingly, the courts will look at such circumstances as the length of the

detention, whether weapons were drawn, whether the detainee was handcuffed, patted down, or placed in the caged section of a patrol car, and whether the detention occurred in a public place where the detainee could be subjected to public embarrassment.

Applying these principles to the facts of the case, the court in *Matelski* ruled the detentions were justified. The court noted the detentions were rather brief (no longer than 15 minutes) and although they occurred in the front yard of the house, there was no public embarrassment because there was nobody around. Nor was there any indication the officers drew their weapons or physically restrained the *Matelskis*.

The court also noted there was substantial justification for the detention; i.e., "to determine defendants. connection to the probationer because the probationer was prohibited by his general terms of probation from consorting with convicted felons." In addition, the court pointed out there were some legitimate officer-safety concerns here; namely, Mr. *Matelski* "was considerably larger than the officer, and was upset at being detained. The officer did not know whether defendants were armed, and the People properly note that persons using or dealing in drugs are frequently armed." [4]

Consequently, the court ruled the detention was lawful and the methamphetamine was obtained lawfully.

[1] See *Alabama v. White* (1990) 496 US 325, 329-30; *United States v. Sokolow* (1989) 490 US 1, 7; *People v. Bell* (1996) 43 Cal.App.4th 754, 761.

[2] See *Michigan v. Summers* (1981) 452 US 692, 701-2; *New Jersey v. T.L.O.* (1985) 469 US 325, 337; *People v. Glaser* (1995) 11 Cal.4th 354, 365-7; *People v. Samples* (1996) 48 Cal.App.4th 1197, 1207; *People v. Hannah* (1996) 51 Cal.App.4th 1335, 1343-4.

[3] (1995) 11 Cal.4th 354.

[4] NOTE: The court added here, . It is no answer to say that defendants. unhappiness would have been eliminated by allowing them to leave because of the possibility they could have armed themselves and returned, perhaps with others, to threaten the officers. Security demands that the persons in the home at the time of the officers. arrival remain there until the officers have completed their investigation..