EVIDENCE OBTAINED FROM AN UNLAWFUL DETENTION IS ADMISSIBLE IF A VALID ARREST WARRANT IS SUBSEQUENTLY DISCOVERED.

June 20, 2016 | Law Alerts, News

Utah v. Strieff
U.S. Supreme Court, June 20, 2016

Narcotics detective Douglas Fackrell conducted surveillance on a South Salt Lake City residence based on an anonymous tip about drug activity. The number of people he observed making brief visits to the house over the course of a week made him suspicious that the occupants were dealing drugs. After observing Strieff leave the residence, Officer Fackrell detained Strieff, requested identification, and asked Strieff what he was doing at the house. The police dispatcher informed him that Strieff had an outstanding arrest warrant for a traffic violation. Officer Fackrell arrested Strieff, searched him, and found methamphetamine and drug paraphernalia. Strieff moved to suppress the evidence, arguing it was derived from an unlawful investigatory stop. The trial court denied the motion, and the Utah Court of Appeals affirmed. The Utah Supreme Court reversed, however, and ordered the evidence suppressed.

The Supreme Court granted certiorari "to resolve disagreement about how the attenuation doctrine applies where an unconstitutional detention leads to the discovery of a valid arrest warrant." The attenuation doctrine states evidence illegally obtained might still be admissible if the connection between the evidence and the illegal method is sufficiently remote or attenuated to "dissipate the taint." In this case, five justices held that the evidence Officer Fackrell seized was admissible based on an application of the attenuation factors from *Brown v. Illinois*, 422 U.S. 590 (1975). Because there was no flagrant police misconduct, the discovery of a valid, pre-existing, and untainted arrest warrant attenuated the connection between the unconstitutional investigatory stop and the evidence seized incident to a lawful arrest. The Court therefore reversed the Utah Supreme Court and held the evidence admissible.

Justices Sotomayor and Ginsburg dissented: "The Court today holds that the discovery of a warrant for an unpaid parking ticket will forgive a police officer's violation of your Fourth Amendment rights. Do not be soothed by the opinion's technical language: This case allows the police to stop you on the street, demand your identification, and check it for outstanding traffic warrants – even if you are doing nothing wrong. If the officer discovers a warrant for a fine you forgot to pay, courts will now excuse his illegal stop and will admit into evidence anything he happens to find by searching you after arresting you on the warrant. Because the Fourth Amendment should prohibit, not permit, such misconduct, I dissent."

Justice Kagan also dissented, arguing that the majority had misapplied the *Brown* factors, and reasoning that the Fourth Amendment violation was not an innocent mistake. "Far from a Barney Fife-type mishap," Kagan wrote, the officer's stop "was a calculated decision, taken with so little justification that the state has never tried to defend its legality." The discovery of an arrest warrant, Kagan said, "was an eminently foreseeable consequence of stopping Strieff."

CLICK HERE TO READ THE FULL OPINION