

Terry v ohio: history and impacts research paper sample

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Terry v Ohio

The highly charged debates triggered by the decision of the United States Supreme Court in Terry vs. Ohio is just as far reaching as the impacts of the decision in the maturation of the doctrines associated with the interpretation of the Fourth Amendment. Terry is also one of the most castigated decisions involving the Fourth Amendment in the contemporary era of the United States Supreme Court and the development and incorporation of the exclusionary process.

There is no doubt that the decision of the High Court in Terry acknowledged the factor of race in the justification of the “ stops and frisks” and the issue framed within the parameters of the Fourth Amendment. The High Court did seek to develop a formula by which the court systems can monitor the disposition of police officers that have an effect on racial minorities; it is also believed that in the formulation of the ruling, the High Court rebuffed the position that the Fourth did not impact in any way the practice of “ stop and frisk (McAffee, 2012, p. 610, 616).

Basing from the texts in Terry, it would be reasonable to assume that the “ stop-and-frisk” practice has given itself liberally to supporting the principle that law enforcement efforts are heavily rooted in stereotypical racial profiling and traditional understanding of races. In this light, it can be said that the progressions in the development of the doctrines of constitutional criminal processes derived from Terry did nothing but buttress the power of the criminal justice system to harm the rights and interests of the average citizen.

Though the Supreme Court has extensively worked to provide grounds that

will establish “reasonable suspicion” stating that even with behaviors seen in so-called “high crime neighborhoods,” did not amount to grounds that can establish “reasonable grounds” to indicate criminal activities.

However, as time passed, the courts have consistently found grounds for the police to be able to find “reasonable grounds” even in areas that were previously defined as insufficient. In this holding, members of racial minorities can be stopped and subjected to searches without any logical conclusion that these may possess weapons or narcotics. The only reason that will be accepted here are that the persons belonging to racial minorities are living or working in a particular jurisdiction that the police or the dominant members of society state as crime ridden (McAfee, 2012, pp. 614-615).

The landmark decision of the High Court in Terry almost four decades ago affirmed the use of involuntary detentions and searches that can fall short of the mandated standards given in the Fourth Amendment. Prior to the decision in Terry, the prevailing legal canon from the United States Supreme Court was given in the 1961 decision of Mapp vs. Ohio, where the United States Supreme Court widened the protections of the exclusionary rule given in the Fourth Amendment as mandated to the states and compelled the police to comply with the tenets of the law as it also implements the same. The Terry decision evidenced a drastic change in the path taken by the Warren Court in safeguarding the rights of the individual from abuses of power by the police, to strengthening the powers of the police and the power of the organization in sighting criminality at the street level.

At a cursory level, the decision in Terry only seemed to provide the police

with a mechanism to apply a reasonable amount of power to examine dubious activity and the prevention of crimes, compared to restricting the power of the police to chasing down criminals after the crime was committed. Nevertheless, though Terry has armed the police with the tools to combat crime, the decision lacked to create a sufficient balance between law enforcement and protecting the rights of the individual (Katz, 2004, pp. 423-424).

The decision of the High Court in Terry must be comprehended in relation to the prevailing dynamics at the time. During that time, the United States resembled a nation that was about to be ripped apart. Non violent protest actions against “ Jim Crow” laws and segregation policies had come to a virtual standstill; “ black nationalists” were increasing their calls for African Americans to inflict the same, if not significantly more, amounts of the violence that the “ whites” were inflicting on them.

Rioting in the urban areas rattled the nation in the same manner as the protest actions against the Vietnam War. In addition, the “ white backlash” against the then developing civil rights protest actions was also rising, and often, the “ white reaction” to the civil rights protest was hostile.

The Supreme Court stood in the center of the maelstrom associated with the civil rights era of the 1960s. The Court was the “ battleground” where advocates and opponents of segregation and other racially tainted policies waged their conflicts. In addition, the Court was the center of the battles and upheavals relating to the area of due process, attempting to actualize the theory of an “ equitable” trial.

With Mapp, infringements of the rights of the defendant to be safe from

capricious searches and seizures were now accorded refuge from the acts of the states and that tainted evidence was be jettisoned from being admitted to court. However, Mapp, combined with Miranda, were seen as policies that tended to shield criminals from the full force of the law rather than strengthen the criminal justice system that would ensure criminals would be convicted for their actions (Katz, 2004, pp. 434-436).

In Mapp, the High Court held that since the materials used were taken without the police producing a warrant, the evidence used against her should be suppressed owing to the fact that these were the “ fruits of an illegal search and seizure.” The High Court agreed with this position and proceeded to apply to the states the “ exclusionary rule” as formulated in Weeks vs. United States (1914). The decision in Terry reversed the position of the Court in Mapp by ruling that the evidence taken to convict and the search by which the evidence was secured was legal (United States Courts, n. d., p. 1).

Before Mapp, majority of law enforcers were at liberty to conduct their operations with little regard for the restraints imposed by the Fourth Amendment. The load of that police behavior rested heavily on the inner city neighborhoods, mostly populated by minorities. By the time that the High Court decided on Mapp, many states did not have policies regarding the “ exclusionary rule”; in these states, police officers were unrestricted in their practices of forcibly detaining and searching suspects as the conduct of police officers did not have any significant impact on the investigation and detention of the target of the search.

After the release of the decision in Mapp, there was rising pressure for policies to allow the police to conduct “ investigatory stops” even though the

reasons fell short of those given in the Fourth Amendment. The United States Supreme Court decided in Terry to affirm the practice, reasoning that the practice was not special and inclined to an intention of using the practice within the “reasonableness” parameters of the Fourth Amendment (Katz, 2004, p. 426-427).

Nevertheless, even those who defended the original decision of the High Court in Terry stated that the Court went well over the limits. Even though the merits of Terry have still to be resolved, there are indicators that point to the fact Terry has negatively affected the development of the legal doctrines given in the Fourth Amendment. The expansion of the doctrines because of Terry has widened from the “stop-and-frisk” practices to making people lay on the ground and order passengers in vehicles, a power that is akin more to being arrested than being searched (McAfee, 2012, p. 612).

In reaching the decision, the Warren Court framed the debate within the context of the competing global viewpoints on the issue of “stop-and-frisk.” One position states that the police should be given the authority to detain a person for a short time and question the person if the officer has “reasonable grounds” to believe that the individual has done or about to commit criminal activity. The other position states that the police cannot proactively act in a way that will impose the search, and should be limited to the volitional cooperation of the citizens stopping short of an arrest founded on the probable cause for making an arrest.

Warren then took a different tact, expounding on the limitations of the exclusionary rule as the decision states that securing the conviction of a criminal is not the primary objective of the police. Instead, the police will be

emboldened to invade the rights of the citizens with objectives other than securing the conviction of the suspects. During that time, the Court addressed the issue by stating that the “ collective harassment of racial minorities by members of the police, will not be stopped by the exclusion of any evidence from criminal trials.” Here, the Court is seen to be backtracking from the leadership role taken in *Miranda* and in *Mapp*, and the Court seems to be ready to be consigned to a position of powerlessness in the dispute of due process and equality (Katz, 2004, p. 439).

References

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