

Bus law



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BUS Law The Court of Appeals in Arizona passed that the officer did not have the right to conduct the pat down regardless of whether or not she had sufficient reason to frisk the defendant. The court ruled that although the defendant was seized lawfully, the act of questioning him on a matter that was not related to the traffic stop made it wrong for the officer to have carried out the frisking activity. However the Supreme Court disagreed with this decision by the Arizona Court of Appeal. The court ruled that a police officer may conduct a pat down of a passenger who is in a vehicle that is legally stopped for traffic violation, as long as the officer has reason to believe that the passenger is armed and dangerous (Richardson 525). This is the standard that is applied to an officer's pat down passenger during a traffic stop.

The stop starts the moment a vehicle is pulled over by police officers for the purpose of investigation following a traffic violation. During the stop the police officers present may lawfully seize the occupants of the vehicle for the entire duration of the stop (526). There is no search warrant required in conducting a pat down during a traffic stop. The search and pat down can proceed solely on the basis of probable cause provided the police officer reasonably suspects that the passenger may be armed and dangerous (525). If the suspicion is short of probable cause, it would not be sufficient to warrant a search on the driver or passenger because that would be infringing on their personal rights and freedoms which are protected by the constitution (536).

Work Cited

Richardson, Mark R. The Vulnerable Passenger: An Analysis of the Constitutionality of Terry Frisking Vehicle Passengers Not Suspected of
<https://assignbuster.com/bus-law/>

Criminal Activity in Arizona v. Johnson, 129 S. Ct. 781 (2009), 89 Neb. L. Rev. (2010) Available at: <http://digitalcommons.unl.edu/nlr/vol89/iss3/4>